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THE MARITIME CUSTOMS.

IV.—SERVICE SERIES: No. 69.

Documents illustrative of the Origin,
Development, and Activities of the
Chinese Customs Service.

VOLUME I:
Inspector General's Circulars,
1861 to 1892.

Issued by Order of the Inspector General of Customs.

SHANGHAI:
STATISTICAL DEPARTMENT
OF THE
INSPECTORATE GENERAL OF CUSTOMS.

1937.

PREFACE.

As many of the early Circulars have long been out of print, and as it is both desirable and necessary that they should be made available for those who are now occupying positions of trust in the Customs Service, as well as for those who may hold such positions in the future, I have decided to reissue in a compact and handy form a selection of what may be termed key Circulars, a knowledge of which is essential to an understanding of the origin, development, and activities of the Service. To supplement these Circulars and to facilitate a clearer comprehension of what the Service is and stands for, and of what it has been able to accomplish, a selection of other documents, despatches, memoranda, etc.—some of them from the archives of Foreign States,—will be found in the concluding volume of this series.

The selection of these documents, in the first instance, was made by Mr. Stanley F. Wright, Commissioner of Customs, who is also responsible for the explanatory footnotes, and for the index to be found in the final volume.

F. W. MAZE,
Inspector General.

17th March 1937.

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Documents illustrative of the Origin, Development, and Activities of the Chinese Customs Service.

CIRCULAR No. 1 OF 1861 (FIRST SERIES).

Mr. Fitz-Roy and Mr. Hart appointed to officiate conjointly
as Inspectors General.

TSUNG-LI YAMÊN,
PEKING, 30th June, 1861.

SIR,

1.—In accordance with the commands of H.I.H. the Prince of Kung, I now transmit, for the information of yourself and the various members of the establishment over which you preside, copy and translation of Instructions issued by H.H., appointing Mr. Fitz-Roy† and myself to exercise conjointly the functions of Inspector General of Maritime Customs.

2.—H.H. the Prince has likewise officially communicated the appointment to the Ministers of the Treaty Powers, by whom the various Consuls will be notified of the position of Foreigners employed in the Chinese Customs' Service.

I am, etc.,

(signed) ROBERT HART,
*Officiating Inspector General of
Chinese Maritime Customs.*

To C. KLECZKOWSKY, <i>Tientsin,</i>	W. W. WARD, <i>Foochow,</i>
J. K. LEONARD, <i>Chinkiang,</i>	F. WILZER, <i>Swatow,</i>
G. H. FITZ-ROY, <i>Shanghai,</i>	GEO. B. GLOVER, <i>Canton,</i>
GEO. HUGHES, <i>Ningpo,</i>	ESQUIRES,
	<i>Commissioners of Customs.</i>

*The Tsungli Yamên (總理衙門), or, to give it its full title, 總理各國事務衙門, was established by Imperial Edict on 20th January 1861. At the time of its creation the leading members were Prince Kung (恭王), Kwei Liang (桂良), a Manchu Secretary of State, and Wen Hsiang (文祥), Senior Vice-President of the Board of Revenue (F.O. 17/350: Bruce to Russell, despatch No. 7, 20th February 1861). As it was with the Tsungli Yamên that Foreign Ministers and Envoys conducted their affairs, it became popularly known as the Ministry of Foreign Affairs. By Imperial Edict of 24th July 1901 (Peace Protocol of 1901, Art. XII and Annex No. 18) the Tsungli Yamên gave way to the Wai-wu Pu (外務部), a title which the Revolution of 1911 changed to Wai-chiao Pu (外交部). Up to the creation of the Shui-wu Ch'u (稅務處) in July 1906 (Cir. No. 1361) it was from the Yamên, and its successor the Wai-wu Pu, that the Inspector General took his instructions.

†Mr. G. H. Fitz-Roy came to China in 1857 as an attaché to Lord Elgin, High Commissioner and Ambassador Extraordinary for Great Britain. He joined the infant Customs Service in 1859 and was appointed Commissioner at Shanghai in November 1860, which post he held until May 1863. He served again at Shanghai from December 1865 to April 1868, during which time he served for seven months, April to October 1866, as Acting I.G. during Hart's leave of absence. He resigned from the Service on the 30th June 1868 and died at Nagasaki in August that year.

ENCLOSURE.

Translation.

THE PRINCE OF KUNG,

*by Imperial appointment, Minister and Superintendent
of Foreign Affairs,*

issues the following Instructions:—

Whereas it is laid down in Article X. of the Supplementary Treaty and Tariff, that, in order to the protection of the Revenue, one system shall be adopted at every port, and that, if it seems good to the officer deputed to administer the Customs' Revenue, he shall employ Foreigners to assist him, whom he shall procure without Foreign recommendation or intervention, etc.; and whereas, the Inspector General, Li Tai Kwoh [Mr. Lay],* now absent on sick leave, having introduced the Commissioners of Customs Fei-sze-lae [Mr. Fitz-Roy] and Hih-tih [Mr. Hart], under whose supervision Customs' Revenue has been ably and satisfactorily administered at Shanghai and Canton, the said Fei-sze-lae and Hih-tih were officially directed by the Imperial Commissioner, Hsieh, to exercise conjointly a general surveillance over all things pertaining to the collection of Customs' Revenue and Foreign Trade at the Treaty Ports: Now, therefore, the Prince instructs the said functionaries, Fei-sze-lae and Hih-tih, that it will be their duty, officiating as Inspectors General, to coöperate zealously with the Chinese Superintendents of Customs at the several ports, in the management of affairs in accordance with the Treaties; not allowing Foreigners to sell goods for Chinese, or the goods of Chinese to be clandestinely included in Foreign cargoes, with a view to the commission of frauds; distinguishing carefully Imports from Exports, and Native from Foreign Produce, and preventing the one being confounded with the other.

It will be their duty to report quarterly the amounts of Duties and Tonnage Dues collected, together with the expenses of collection; their statements must be truthful, perspicuous, and accurate, and should be transmitted in duplicate, one copy being for the Board of Revenue, and the other for the Foreign Office.

*Horatio Nelson Lay, son of G. Tradescant Lay, first British Consul at Canton and at Foochow. H. N. Lay became Student Interpreter in the British Consular Service in China in September 1849, and in 1854 became Acting Vice-Consul and Assistant Chinese Secretary at Shanghai. On the 1st June 1855 he resigned from the British Consular Service, and accepted from the Chinese Authorities the post of British Inspector of Customs at Shanghai. In 1858 Lay served as Interpreter to Lord Elgin, the British Plenipotentiary, in all the negotiations that preceded the framing of the Treaty of Tientsin, and on the 1st July 1859 was appointed head of the new Customs Service, instituted in accordance with Rule X of the Rules of Trade appended to that Treaty. On the 21st January 1861 a formal despatch of appointment was issued to him by Prince Kung. Lay was dismissed from his post as Inspector General on the 15th November 1863 for having exceeded his authority in regard to the Sherard Osborn flotilla (*vide* British Parliamentary Papers: China No. 2 (1864), p. 35).

It will be their duty, in as much as it is impossible for the Chinese Government to form an estimate of the merits of the different Commissioners and other Foreigners employed in the public service, to take cognisance of the same, and make examination and inspection from time to time.

As regards the salaries to be paid and the sums to be expended, the Chinese Superintendents of Customs and the Inspectors General will proceed conjointly to determine the same, in accordance with the state of the Revenue at the ports, and with due attention to the prevention of waste and excess.

For the transaction of all business connected with the various classes of Foreign merchant ships that arrive or depart, the Chinese Superintendents of Customs are commanded to consider it their duty to act in concert with the Inspectors General; and the Inspectors General must make strict and faithful enquiry into all breaches of regulations committed by ships that presume to move about in contravention of law, and into all cases wherein smuggling is attempted or the revenue defrauded. Should any such irregularities and offences be allowed to occur, the Inspectors General will be held responsible for the same.

The zealous and satisfactory manner in which business has hitherto been conducted, fully evinces that Fei-sze-lae and Hih-tih are trustworthy and to be depended upon; the Prince, therefore, hereby confers on them the requisite powers and authority, and commissions them to officiate as Inspectors General. The salaries they are paid by the Chinese Government are liberal, and the responsibilities of the office to which they are appointed are very serious; it therefore behoves them to be just, energetic and assiduous in the performance of their duties.

The Foreigners employed in the Customs are not to engage in trade; mismanagement or bad conduct must be followed by dismissal from the service.

The Officiating Inspectors General must not disappoint the great confidence the Prince reposes in them, in appointing them to their present Office.

Let this Instruction be carried strictly into execution!

A Special Instruction, addressed to the Officiating Inspectors General of Maritime Customs, Fei-sze-lae and Hih-tih (Mr. Fitz-Roy and Mr. Hart).

HSIËN-FÊNG, 11th year, 5th month, 23rd day.

30th June, 1861.

CIRCULAR No. 2 OF 1861 (FIRST SERIES).

**Native Produce carried coastwise, not entitled
to Exemption Certificate.**

TIENTSIN, 4th July, 1861.

SIR,

1.—I have received the commands of H.I.H. the Prince of Kung, to direct that your Office shall cease to issue Exemption Certificates for Chinese Produce* shipped at your port and having there paid Export Duty. The clauses in the various Treaties [British 45, French 24, American 21,] providing for exemption, have reference merely to Foreign Produce conveyed from one to another port, and having at the first paid Tariff Import Duty.

2.—In the case of Chinese Produce that may be imported provided with Exemption Certificates, subsequent to the receipt of this Circular, you will, as has hitherto been customary, allow the goods to be landed without any further claim for duty:—a document officially issued at one Custom-house cannot be dishonoured at another.

3.—Upon Chinese Produce arriving at your port in Foreign bottoms unprovided with Exemption Certificates, you will, pending the receipt of further instructions, levy an Import Duty in accordance with the Tariff rules.

4.—Their Excellencies the Treaty Power Ministers are now in communication with H.H. the Prince, on the question of the Import Duty to be paid on Chinese Produce in Foreign bottoms; the result of their negotiations will, in due time, be communicated for your guidance.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

THE COMMISSIONERS OF CUSTOMS.†

* On the suggestion of Mr. H. N. Lay, then Inspector of Customs at Shanghai, the Chinese Authorities in 1855 consented to the issue of Exemption Certificates for Chinese produce conveyed coastwise in foreign bottoms. This was done to encourage trade, which was then suffering badly from the operations of rebels on land and of pirates on sea (*vide* British Parliamentary Papers: "Further Papers relating to the Rebellion in China" (1863); p. 172).

† N.B.—This direction will in future be omitted.

CIRCULAR No. 7 OF 1861 (FIRST SERIES).

Native Produce carried coastwise to pay Coast Trade (Half Tariff)
Duty. Coast Trade Duty not subject to indemnity deduction.

TSUNG-LI YAMÊN,
PEKING, 8th September, 1861.

SIR,

In continuation of the subject of my Circular despatch No. 2, of the 4th July, I have now to inform you, that the Treaty Power Ministers and H.I.H. the Prince of Kung have arranged, that Chinese Produce, conveyed Coast-wise from port to port, shall pay—1°, at the port of export, full Tariff Duty; 2°, at the port of import, half Tariff Duty; and 3°, that the amount accruing to the Imperial Revenue from such sums paid as Import-half-duty on Chinese Produce, shall not be subject to the Indemnity deduction.*

2.—The High Authorities composing the Board for the supervision of intercourse with Foreign states [Tsung-li-ko-kuo-shih-wu Yamên], in addition to communicating with the Imperial Commissioner, Hsieh, and the Superintendent of the Northern Ports, Ch'ung, have, in an official despatch of to-day's date, acquainted me with this arrangement, and have directed me to notify the same to the various offices of Customs.

3.—The rules above laid down, you will at once communicate to the Chinese Superintendent of Customs, in order that they may be brought into operation from the date of the receipt of this Circular (if not already in force).

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

* The Indemnity referred to is that of *Tls.* 16,000,000 imposed by Articles III and IV respectively of the British and the French Conventions of Peking (1860) (*vide* Circular No. 1 of 1866).

CIRCULAR No. 8 OF 1861 (FIRST SERIES).

Transit Dues, Exemption Certificates, Coast Trade Duty, Yangtze Trade, enclosing four sets of Rules regarding.*

SHANGHAI, 4th November, 1861.

SIR,

I have received the commands of H.I.H. the Prince of Kung, to forward, for your information and guidance, the enclosed copies of certain Regulations that have been agreed upon by the High Authorities at Peking, relative to—1°. Transit Dues, 2°. Exemption Certificates, 3°. Coast Trade Duty, and 4°. British [Treaty Power] trade on the Yangtze River.

1°. *Transit Dues*.—Under this heading, you will take note, that, by Rule 2, merchants, sending into the interior to purchase Native Produce, who wish to clear the same of Inland Dues, by the payment at a Treaty port of one half-Tariff Transit Due, can only do so when supplied with a form of “Memorandum,” obtained, through the Consul, from the Maritime Customs. This “Memorandum” is an engagement to pay Transit Dues, of a kind somewhat similar to a promissory note; and the sums collectable on the same are held to be due at the port, simultaneously with the entry of the goods at the first Barrier in the interior.

You will likewise take note that, for Native Produce carried inwards from a port, Transit Certificates cannot, under any circumstances, be issued, and that Foreign imports, for which a Transit Certificate has not been obtained at a Treaty port, as well as Native Produce, for which the “Memorandum” has not been deposited at the first Barrier, are, no matter whether in charge of native or foreigner, liable to all charges and taxes imposed on goods *in transitu* by the various provincial authorities.

I am at present in consultation with H.E. the Imperial Commissioner, Hsieh, in regard to the forms to be adopted by all the ports for the “Memorandum” and Transit Certificates; when agreed on, copies will be forwarded.

2°. *Exemption Certificates*.—Under this heading are to be noticed three separate documents, to be issued by the Maritime Customs, viz.: *a*.—the “Exemption Certificate” proper, for Duty-paid Foreign imports when re-exported; *b*.—the “Export Duty Certificate,” for

* *Vide* British Parliamentary Papers: “Papers relating to the Rebellion in China, and Trade on the Yang-tze-kiang River” (1862), pp. 75, 79, 81; also H.B.M. Consul’s Notification, Shanghai, 30th October 1861, in “North-China Herald,” No. 588, 2nd November 1861.

Native Produce shipped from one Treaty port to another; and c,—the “Coast Trade Duty Certificate,” for Native Produce which, having been brought from one to another Treaty port, is thence again shipped to a third or fourth.

You will note that these documents are never to be issued, except for goods shipped on board of vessels clearing for Treaty ports, and that they are to be issued either before or simultaneously with the shipment of the goods; in no case will you entertain applications that may be made for them subsequent to the departure of the vessels concerned. In like manner, such documents should never be received by the Customs, save when handed in before the landing of the goods covered by them. Furthermore, the “Exemption Certificate” and the “Coast Trade Duty Certificate” are only to be granted in the case of such goods, as, when about to be re-exported, are found by the Customs to be in the same condition as when imported.

I enclose copies of the forms to be adopted for “Export Duty Certificates,” and “Coast Trade Duty Certificates.”

3°. *Coast Trade Duty*.—Under Rule 2, you will consider payments as “deposits” only in the case of such goods as, at the time of import, are reported by the Importer to be for re-exportation to a Foreign country. The shipment to a Foreign country within three months, of goods said to have paid a Coast Trade Duty, but which had not been duly reported as for re-export, does not entitle the merchant to a return of the sum said to have been paid as Coast Trade Duty; and a full Tariff Export Duty is likewise collectable on such goods.

With regard to Rule 3, you will note that change in condition is to be held “unauthorised,” save when express written permission to make the change shall have been granted by the Customs; and such permission should only be granted in the case of goods which, reported damaged on import, are proved by Customs’ survey to require drying or re-packing.* Other changes of quality or condition are unauthorised, and subject the goods to the forfeit of the Coast Trade Duty, if originally only paid in as a deposit, and to the payment of full Export Duty when again shipped.

Under Rule 4, you will note, that, on Native Produce arriving with alleged loss of Export Duty Certificate, you are not only to collect the Coast Trade Duty usual on import, but are likewise to receive, as a deposit, a sum equal to the full Export Duty, which is

* For regulations governing this privilege, *vide* Circular No. 2 of 1866.

only to be refunded after you have ascertained, from the original port of shipment, that an "Export Duty Certificate" had been there regularly issued.

The "Coast Trade Duty," being of the nature of a transit due, is not liable to Indemnity deductions.

4°. *Yangtsze Trade*.—You will take note, that, by Rule 7, trade above Chinkiang is only permitted at Kiukiang and Hankow; and that the only trade to be carried on above Chinkiang, is a direct trade between either of those ports and Shanghai.

Rules *A* and *B* define the conditions under which trade in certain commodities, as also the employment of native built vessels, are allowed. The ports concerned will be supplied with the requisite forms of bond.

The Chinese text of these Rules has been sent to the Superintendent of Customs by H.E. the Imperial Commissioner, Hsieh.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

ENCLOSURE.

I.—TRANSIT DUES.*

1.—It is at the option of the British merchant to clear Foreign Imports to an inland market, or Native Produce to a port of shipment, either by payment of the different charges demanded at the inland Custom Houses, or by one payment of a half Tariff Duty as provided in Tariff Rule 7.

2.—In the case of Native Produce the Memorandum to be presented at the first inland Barrier may be there deposited by the merchant himself, or his agent, native or foreign. But whereas it is alleged that both native and foreign Transit Dues have been totally evaded by the sale of produce *in transitu* after entry at a Barrier as for shipment at a Treaty port, the Memorandum tendered must be in the form of a declaration, signed by the Firm or Merchant interested, and to the effect that the Produce therein specified

* Transit dues both inwards and outwards were abolished on the 1st January 1931 (Cir. No. 4158). For an account of the working of the transit dues system, *vide* V.—Office Series: Customs Papers Nos. 38, 51, and 57.

and entered on — (date,) — at — (Barrier,) for shipment at — (port,) is the property of the undersigned Firm or Merchant, and that the said Firm or Merchant engages to pay the half Tariff Transit Dues thereon.

This form will be provided *gratis* by the Maritime Customs at every Treaty port, and issued on the Consul's application by the Superintendent of Customs.

3.—Native Produce carried inwards from a port cannot be cleared by a Transit Due Certificate, whether in charge of native or foreigner. It is liable to all charges imposed on goods *in transitu* by the provincial Governments through whose jurisdiction it passes.

4.—Foreign Imports not protected by Transit Due Certificates are liable to the same charges.

5.—No Transit Due is leviable on Foreign Imports or Native Produce carried up or down the Yang-tsze-kiang between Shanghai and the ports on the River now open under Provisional Rules; but Foreign Imports, carried inland from either of these ports, or from the interior to either of these ports, pay Foreign or Native Transit Dues according as they are certificated or uncertificated.

II.—EXEMPTION CERTIFICATES.

The Exemption Certificate protects Duty-paid Foreign Imports re-exported to any port in China against all further exaction of Duty by the Maritime Customs.

Native Produce carried Coastwise must be accompanied by a Certificate that the Export Duty has been paid at the port of shipment, and on leaving the second port for a third or fourth port, by a Certificate that the Coast Trade Duty, as below defined, has been paid at the second port. This latter Certificate will be granted by the Customs if the condition of the Produce imported remains unchanged, and will exempt the Produce it covers from all further exaction of Duty by the Maritime Customs.

III.—COAST TRADE DUTY.*

1.—Native Produce carried Coastwise pays full Export Duty at the port of shipment, and at the port of entry, Coast Trade Duty, the amount of which is declared to be half Import Duty.

2.—If the Produce in question be entered at the second port as for re-exportation to a foreign market, the payment of Coast Trade Duty is to be regarded as a deposit during a term of three months,

* Coast trade duty was abolished on the 1st January 1931 (Cir. No. 4158).

before expiry of which the Produce must be re-shipped for a foreign port, and the merchant will thereupon immediately recover the amount of the Coast Trade Duty, lodged with the Customs. If the term expire without shipment of the Produce, the said amount will be carried to the account of Customs' Revenue, and the Produce, if subsequently shipped to a foreign port, will pay a full Export Duty.

3.—If the Produce, though shipped within the term allowed, be found to have been subjected to unauthorised changes of quality, condition, etc., the Coast Trade Duty lodged will not be returned, and an Export Duty as upon all other Produce leaving the port will be levied.

4.—If, on arrival of the Produce at the port of entry, loss of the Export Duty Certificate be alleged, the Export duty can be lodged with the Customs until the Customs' Authorities shall ascertain the fact from those of the port of shipment.

5.—Native Produce accompanied by a Certificate that the Coast Trade Duty has been paid at the second port, may be carried to any other ports in China without payment of further duty to the Maritime Customs.

6.—Native Produce carried from Shanghai to Hankow or Kiu-kiang, or *vice versa*, pays a full Import or Export Duty and Coast Trade Duty. While the River trade continues under the Provisional Rules now in force, these Duties will be levied at Shanghai. If the Produce in question be entered for re-export to a foreign port, the Coast Trade Duty will be deposited and refunded as provided in clause 2 of this Rule.

REVISED PROVISIONAL REGULATIONS FOR BRITISH TRADE IN THE YANG-TSZE RIVER.*

Of the Ten Articles drawn up in March last, Articles I. to VI. stand as before;

Article VII. is modified as the Prince of Kung proposes;

Articles VIII. and IX. stand as before; the latter being made the last but one of the Regulations;

Articles X., XI., XII., XIII., and XIV. proposed by the Prince, are rendered unnecessary by the Notification respecting Transit Dues, Exemption Certificates, and Coast Trade Duties;

* For full text of these Provisional Regulations, published on the 18th March 1861 at Shanghai by a British Consular notification, *vide* British Parliamentary Papers: "Correspondence respecting the opening of the Yang-tze-kiang River to Foreign Trade" (1861), pp. 18-21. For text of Articles X-XV, as proposed by Prince Kung, *vide* British Parliamentary Papers: "Papers relating to the Rebellion in China, and Trade on the Yang-tze-kiang River" (1862), pp. 73, 74.

Article XV. is in part only adopted; British trade in Oil, Hemp, Steel, Iron, Provisions, Timber, and Copper Cash, and the hire and purchase of native vessels, being authorised under the following Rules:

A.—Oil, Hemp, Steel, Iron, Provisions, Timber, and Copper Cash may be transported under the following condition:—The Shipper shall give notice of the quantity he desires to ship, and of the ports of its destination, and shall bind himself by a Bond,—such Shipper being agent of a mercantile firm established in China, or, if not so, by a Bond with two sufficient sureties, to the value of the quantity shipped,—to return within three months from the date of shipment to the Collector at the port of shipment, a Certificate to be issued by him, with an acknowledgment thereon of the discharge of the cargo specified at the port of destination, subscribed and sealed by the Collector at the latter port; or failing the due return of this Certificate, to forfeit a sum equal in value to that of the goods shipped; and the vessel concerned will be deprived of the River pass, and prohibited from further trading on the River.

B.—In the case of native junks chartered or purchased by British subjects to convey produce to or from ports on the Yang-tsze-kiang, the Customs at the port of departure shall, on application of the Consul, issue to the party concerned a special Junk Pass. But the said party must deposit with the Customs a Bond, such party being agent of a mercantile firm established in China,—or, if not so, a Bond with two sufficient sureties, to the value of the vessel and cargo,—to return within two months from the date of his Bond, to the Collector at the port of departure, the Junk Pass issued by him, with an acknowledgment thereon, subscribed and sealed by the Collector of the port of destination, of the arrival of the junk and discharge of her cargo; or failing the due return of this Certificate, to forfeit the sum specified in the Bond or deposited with the Customs.

Article XVI. corresponds with the original Article X. and will stand.

ARTICLE 7.

The payment of Duties due by vessels trading up and down the Yang-tsze under these Regulations being duly provided for by Articles, I., IV., and VI. of the said Regulations, Articles XXXVIII., XXXIX., XL., and XLI. of the Treaty of Tien-tsin will not apply to any such vessels, and they are accordingly authorised to load or discharge at Hankow or Kiukiang without applying for Custom House Permits, or paying Duties until their return to Shanghai.

CIRCULAR No. 1 OF 1862 (FIRST SERIES).

Collection and Expenditure, Quarterly Returns of, in form enclosed, to be despatched within three days after the close of each quarter.*

OFFICE OF MARITIME CUSTOMS,

CANTON, 12th May, 1862.

SIR,

1.—With reference to my Circular No. 4 of 1861, I have now to inform you that, in consequence of inattention to its directions on the part of the heads of some of the Offices of Customs, I have been unable to forward the Returns, therein called for, with due regularity. A despatch has just been received from the Tsung-li Yamên complaining of the non-receipt of the Returns in question, and ordering their transmission without delay for the future.

2.—I have consequently to request that within *three* days from the expiration of each quarter, you will send to my address (in a cover to the care of the Commissioner at Shanghai) Returns in English and Chinese in accordance with the form enclosed. Single copies, sealed and signed by the Commissioner, will suffice. The Superintendent should be furnished with a copy for his information, but he need not be called upon to affix his seal to the Returns for transmission to the Inspector General.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

* *Vide* Circular No. 9 of 1863.

ENCLOSURE.

OFFICE OF MARITIME CUSTOMS.....

RETURNS FOR THE QUARTER ENDING.....1862.

A.—DUTIES COLLECTED: INDEMNITY: EXPENDITURE.

1.	Foreign Vessels	Tons: Entered during Quarter	
	Import Duties, (exclusive of Opium)		
	Export		
	Coast Trade Duties		
	Tonnage Dues		
2.	Chests Opium	Peculs, amount of Duty <i>Tls.</i>	
	Prepared		
3.	Duties collected by Commissioners on Merchandise laden in Chinese Bottoms: Import <i>Tls.</i>	Export <i>Tls.</i>	
4.	Total sum paid to English and French on account of Indemnity		
5.	Total sum paid to United States on account of Indemnity		
6.	Expenditure in Commissioner's Office		
7.	Superintendent's Yamen		

<i>Tls.</i>	<i>m.</i>	<i>c.</i>	<i>c.</i>

B.—CONFISCATION FUND.

1.	Balance from previous Quarter	
2.	Proceeds of Goods Confiscated	
3.	Amount of Fines	
4.	Sums paid to Spies	
5.	Gratuities	
6.	Sums expended in purchase of Sundries	
7.	Sums handed to Superintendent	
8.	Balance in Commissioner's hands	

C.—DETAILED ACCOUNT OF OFFICE EXPENDITURE.

1. Salaries of () Commissioners, () Deputy Commissioners, () Assistants
2. " Foreign Tidewaiters
3. " Chinese Linguists
4. " Shupan and () Writers
5. " Examiners, Weighers, Watchers
6. Wages of () Office Boys, Runners, Boatmen, etc.
7. Office Expenditure: Stationery, etc.
8. Miscellaneous Expenditure
9. Extraordinary
10. Preventive Service Expenditure: Guard Boats, etc.
11. Rent of Buildings, Chops, etc.

Total

(signature)

Commissioner of Customs.

N.B.—Return A No. 7 may be left Blank in the event of unwillingness on the part of Chinese Superintendent to furnish the requisite information.

Errors in these Returns must be most carefully guarded against.

CIRCULAR No. 2 OF 1862 (FIRST SERIES).

Yangtze Regulations (Revised), copy of, enclosed; to come into force on 1st January, 1863.

SHANGHAI, *5th December*, 1862.

SIR,

I enclose for your information and guidance the Revised Regulations of Trade on the Yang-tsze, which are to supersede the Provisional Regulations now in force (*see* Circular No. 8 of 1861). On and after the 1st of January, 1863, Duties will be collected at Hankow, Kiukiang, Chinkiang, and Shanghai, in accordance with the Revised Regulations.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

ENCLOSURE.

REVISED REGULATIONS OF TRADE ON THE
YANG-TSZE KIANG.*

NOTIFICATION.

BRITISH LEGATION,
PEKING, *November 10th*, 1862.

The undersigned is directed to give notice that the Chinese Government, having decided on opening Custom Houses at Hankow and Kiukiang, has communicated to the Hon'ble. F. Bruce, C.B., Her Britannic Majesty's Envoy Extraordinary and Chief Superintendent of British Trade in China, a draft of Revised Regulations, under which, until these Ports shall be declared open by Treaty, trade with them is to be carried on.

* *Vide* British Parliamentary Papers: "Further Papers relating to the Rebellion in China" (1863), pp. 153, 154; also "North-China Herald," No. 644, 29th November 1862.

The Provisional Regulations of the 5th December, 1861, will therefore continue in force only until the 1st of January, 1863, on which day the Revised Regulations published below will come into operation. From and after that date, any violation of them by vessels entering the river, will be punished by the penalties the Revised Regulations provide.

By Order,

T. F. WADE,
H.B.M.'s Secretary of Legation.

NOTIFICATION.

CONSULATE OF THE UNITED STATES,
SHANGHAI, CHINA, *Nov. 25th*, 1862.

The undersigned is directed by Anson Burlingame, Envoy Extraordinary and Minister Plenipotentiary of the United States to China, to give notice that the following Revised Regulations, opening Custom Houses at Hankow and Kiukiang,—and under which trade is to be carried on,—have been communicated to him by the Chinese Government, and that they will come into operation on the first of January next, at which time they will supersede the Provisional Regulations of the fifth December, 1861.

By Order,

GEO. FREDK. SEWARD,
Consul.

REVISED REGULATIONS OF TRADE ON THE YANG-TSZE KIANG.

ARTICLE I.—British * vessels are authorised to trade on the Yang-tsze Kiang at three ports only: viz., Chinkiang, Kiukiang, and Hankow. Shipment or discharge of cargo at any other point on the River is prohibited, and violation of the prohibition renders ship and cargo liable to confiscation.

Native Produce, when exported from any of these three Ports, or Foreign Imports not covered by Exemption Certificates, or Native Produce that has not paid Coast Trade Duty, shall, when imported into any of these three Ports, pay duty as at the Treaty Ports.

* And all vessels belonging to the Treaty Powers.

ART. II.—British Merchant vessels trading on the River are to be divided into two classes, namely:—

1st Class: *Sea-going vessels*, that is, Merchantmen trading for the voyage up the River above Chinkiang, Lorchas, and Sailing Vessels generally.

2nd Class: *Steamers* running regularly between Shanghai and the River Ports.

These two classes of vessels will be dealt with according to Treaty, or the Rules affecting the River Ports to which they may be trading.

All vessels, to whichever of the two classes they may belong, if about to proceed up the River, must first report to the Customs the arms or other munitions-of-war they may have on board, and the numbers and quantities of these will be entered by the Customs on the vessel's River Pass. Permission to trade on the River will be withdrawn from any vessel detected carrying arms or munitions-of-war in excess of those reported to the Customs, and any vessel detected trading in arms or munitions-of-war will be liable to confiscation.

Any vessel falling in with a Revenue Cruiser of the Chinese Government will, if examination of them be required, produce her papers for inspection.

ART. III.—*Sea-going Vessels*.—British Merchantmen, Lorchas, and Sailing Vessels generally, if trading at Chinkiang, will pay their Duties and Tonnage Dues at Chinkiang.

If a vessel of this class is proceeding further than Chinkiang, that is either to Kiukiang or to Hankow, her Master must deposit her papers with the Consul at Chinkiang, and must hand in her manifest to be examined by the Chinkiang Customs; the Superintendent of which, on receipt of an official application from the Consul, will issue a Certificate, to be called the "Chinkiang Pass," to the vessel. The "Chinkiang Pass" will have entered upon it the number and quantities of arms, muskets, guns, swords, etc., on board the vessel; also the number of her crew, her tonnage, and the flag she sails under. The Customs will be at liberty to seal her hatches, and to put a Customs' employé on board her. On her arrival at Kiukiang, whether going up or coming down, her master must present her "Pass" to the Customs for inspection.

The Duties on cargo landed or shipped at Kiukiang, or Hankow, must all be paid in the manner prescribed by the Regulations, of whichever of the two Ports she may be trading at, and on her return to Chinkiang she must surrender her "Chinkiang Pass" to the Customs at Chinkiang; and the Customs having ascertained that her Duties and Dues have been all paid, and that every other condition is satisfied, the "Grand Chop" will be issued to the vessel, to enable her to obtain her papers and proceed to sea.

The Customs will be at liberty to put an employé on board the vessel to accompany her as far as Lang-shan.

Any British vessel of this class found above Chinkiang without a "Chinkiang Pass," will be confiscated. Any junk without Chinese papers will similarly be confiscated.

ART. IV.—*River Steamers*.—Any British Steamer trading regularly on the River will deposit her papers at the British Consulate at Shanghai, and the Customs, on application of the British Consul, will issue a "Special River Pass" (or Steam Pass), that shall be valid for the term of six months. Steamers trading on the River under this pass, will be enabled to load and discharge, and will pay Duties according to the Rule affecting *River Steamers*.

On arriving off Chinkiang or Kiukiang, the Steamer,—whether proceeding up the River or down,—will exhibit her pass to the Customs.

The Tonnage Dues leviable on any Steamer holding a River Pass shall be paid alternately at Chinkiang, Kiukiang, and Hankow.

The Customs are at liberty to put a Tidewaiter on board a Steamer at any of these ports to accompany her up or down stream, as the case may be.

Infringement of River Port Regulations will be punished by the infliction of the penalties in force at the port open by Treaty: for a second offence the "Steamer River Pass" will also be cancelled, and she will be refused permission to trade thenceforward above Chinkiang.

Any Steamer not provided with a River Pass, if her master propose proceeding above Chinkiang, will come under the rule affecting *Sea-going Vessels*, laid down in Art. III., and will be treated accordingly.

ART. V. *River Steamer Cargoes*:—

1st. Where Native Produce is shipped at a River Port on board a Steamer provided with a River Pass, the Shipper must pay both Export and Coast Trade Duty before he ships it. If it be for export to a foreign port, this should be stated when the produce arrives at Shanghai; and if it be exported from Shanghai within the three months allowed, the shipper will obtain from the Shanghai Customs a certificate of its re-exportation; on production of which at the River Port of shipment, whether Chinkiang, Kiukiang or Hankow, the Customs of that port will issue a Drawback for the amount of Coast Trade Duty paid.

2nd. Where import cargo is transhipped on board a River Steamer at Shanghai, it must first be cleared of all Duties. The transshipment will not be authorised until the Customs are satisfied that the Import Duties have been paid.

ART. VI. *Native Craft owned or chartered by British Merchants*, will pay duty on their cargo at the rates liable on such cargo under the Treaty Tariff. All such Craft will further have to be secured by Bond in the manner laid down in the Provisional Rules published on the 5th December, 1861, and on entry into any port, will pay Port Dues according to Chinese Tariff. If the cargoes of Native craft so employed do not agree with their Cargo Certificate, the amount specified in their Bonds will be forfeited to the Chinese Government. This provision is only valid until tranquility is restored along the River.

ART. VII. British vessels of all classes, as well as junks owned or chartered by British Merchants, must apply to the Customs at the Port of departure for a Cargo Certificate (Tsun-tan), which on the vessel or junk's arrival at the Port of destination must be handed in to the Customs before permission to discharge can be given.

The above Regulations are provisional, and open to revision if necessary.*

* For latest version of Yangtze Regulations, *vide* "Code of Customs Regulations and Procedure," 2nd Edition (1935), Chapter XII, §1, pp. 103-107.

CIRCULAR No. 1 OF 1863 (FIRST SERIES).

**Seizures, Confiscations and Fines, calling for Monthly Reports of,
giving specified particulars.**

INSPECTORATE GENERAL,
SHANGHAI, 13th January, 1863.

SIR,

1.—I have to request that you will furnish me, at your earliest convenience, with a report of the Seizures and Confiscations that have taken place, and of the Fines that have been levied, for breaches of Customs' Regulations, at your port, during the year ending 31st December, 1862.

2.—I have also to direct that, for the future, you will forward Monthly Reports of Seizures, Confiscations and Fines. Such reports should specify—1°, the date, place, and nature of the breach of regulations committed; 2°, the names of the parties and vessels concerned, with the denominations and quantities of the goods seized; 3°, the amount realised by the sale of the goods, or the amount of the fine; 4°, the names of the informants [if Chinese, in Chinese characters,] and of the Officers effecting the seizure; and 5°, copies of all correspondence, etc., in Chinese and English, having reference to each case. These monthly reports are to be made up on the last day of each month; they are to contain, in Chinese characters, the names of places, etc.; and they should be forwarded without delay to the Inspector General, care of the Commissioner at Shanghai.

3.—Any extraordinary case,—affecting important principles, or having reference to valuable property, or likely to give rise to local difficulties or complications,—should be reported to the Inspector General at once.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

CIRCULAR No. 7 OF 1863 (FIRST SERIES).

**French Vessels carrying Chinese produce Coastwise,
Tonnage Dues payable by.***

INSPECTORATE GENERAL,
CANTON, 16th February, 1863.

SIR,

Some months ago a question arose, relative to the payment of Tonnage Dues under the French Treaty, the 22nd Article of which contains the following words:—"Tout navire Français ne devant en "être passible qu' une seule fois à chacun de ses voyages d'un pays "étranger en Chine." M. Edan, the French Consul at Shanghai, argued, that, with such a clause in the Treaty, the Chinese Customs could not demand Tonnage Dues more than once from a French vessel, no matter how many years she might continue to trade from port to port along the Coast of China. In the event of M. Edan's view having been upheld as correct, the same privilege would of course, under the "most favoured nation" clause, have accrued to the merchants vessels of the other Treaty powers.

2.—The circumstances were reported by me to His Imperial Highness the Prince of Kung, who thereon addressed a despatch to M. Bourboulon, the French Minister, in which it was admitted that Tonnage Dues could only be collected once from a French ship disposing of her original Cargo of Foreign Imports at several ports, and shipping at several ports Chinese Produce *for export to a Foreign country*. It was, however, argued that the words quoted by M. Edan did not apply to vessels engaging in the carrying trade along the Coast of China. The Treaty, said the Prince, was made in 1858 and ratified in 1860, and, in it, provision was made merely for the import into China of Foreign goods, and for the export from China of Chinese Produce to Foreign countries; it contained no provision for the conveyance of Chinese goods from one Chinese port to another, and its stipulations as to Tonnage Dues applied only to vessels engaging in the trade, legitimized by the Treaty, of direct carriage between Foreign countries and China. It was not, said the Prince, until the autumn of 1861, that the conveyance of Native cargoes, from Chinese ports to Chinese ports, was regularised, and formally sanctioned under certain conditions; under those conditions, traders' Tonnage Dues were payable by Coasting traders once in every four months.

* For final settlement of this issue, *vide* Circular No. 10 of 1865.

3.—H.E. the French Minister sent, in reply, a despatch, of which I enclose a copy for your information; and to which I wish to call your attention.

4.—In the first part of his reply, H.E. argues that the English Treaty [Art. 29], in arranging for the payment of Tonnage Dues every four months, and the French Treaty [Art. 22 part 3], in arranging that small vessels (which seem only useful for coasting purposes) shall pay Tonnage Dues at the rate of one mace per ton, point to, if they do not formally stipulate for, a Coast Trade. H.E. however waives this consideration, and hinting that the discussion of the question is uncalled for, inasmuch as there are no French vessels engaged in the Coasting trade, goes on to say, that, in the event of French vessels hereafter engaging in the Coasting trade, he will be prepared to discuss the matter, when an arrangement can be made for the payment by them of Tonnage Dues once every four, six, or twelve months, as may be agreed upon.

5.—There the correspondence ended: the result was in so far satisfactory, inasmuch as the French Minister virtually conceded the point, that that portion of the Treaty Rule, which authorises only one collection of Tonnage Dues, does *not* apply to vessels engaging in the Coasting trade.

6.—Until the receipt of further instructions, you need not hesitate to claim Tonnage Dues every four months from French vessels, carrying Native goods, be the quantity ever so small, from one Chinese port to another. Should any French Consul object to such levy of Tonnage Dues, or should the Consul of any Treaty Power, making an erroneous application of the 22nd Art. of the French Treaty, claim for any ship, under "the favoured nation" clause, the privilege of paying Tonnage Dues but once in China, you will please to move the Superintendent of Customs to address a despatch to such Consul claiming the Dues, and enclosing a copy of, or an extract from, M. de Bourboulon's despatch.

I am, etc.,

(signed) ROBERT HART,

O.I.G. of C.M.C.

ENCLOSURE.

照錄法國照會

爲照覆事本月初六日接准

貴親王來文內開本國商人船隻載運洋貨與在中國販賣土貨者分別完納船鈔其運洋貨者仍照本國條約第二十二款納鈔一次其運土貨者應每四個月納鈔一次等因前來本大臣悉心詳察來文之意亦知運土貨者雖與運洋貨者有分別之由但查條約第二十二款論及輸納船鈔並無分別之語再此條後載所有法國三板等小船載運貨物照一百五十噸以下之例每噸輸鈔銀一錢等語今推釋此節之意似往來各口之小船雖販運各色土貨亦應照此條所載完鈔一次况英國條約第二十九款論及船鈔之事言凡英國船從中國海口往赴中國別口應有海關所給執照至別口將照呈驗從出口之日算起四個月以內不必納鈔等語今查來文係將法船照英約辦理如同一二月前上海海關欲將英約之意辦理本國從上海駛往福州之巴日麻商船究竟該船並無土貨然現今本大臣尙未知有無本國商船載運土貨但知英船現在作此生意者甚衆將來如有本國商船販賣土貨者本大臣始能臨時親擬輸鈔章程亦卽酌定完鈔限期或四月六月一年屆時再爲定議且

貴親王亦當深悉目前彼此情形本大臣不能照辦此事者實因任大責重故也合行照覆
貴親王請煩查照須至照覆者

十一年十一月十七日

CIRCULAR No. 9 OF 1863 (FIRST SERIES).

Collection and Expenditure, Quarterly Returns of, to be made out in new form, English and Chinese, enclosed.

INSPECTORATE GENERAL,
CANTON, 16th February, 1863.

SIR,

1.—Enclosed I forward forms, in English and Chinese, in accordance with which you will in future have the goodness to draw up your Quarterly Returns of Duties collected, Office Expenditure, and Confiscation Fund.

2.—It will be necessary to forward *three* copies in Chinese, and *one* in English.

3.—The Chinese copies, for transmission to the Tsung-li Yamên and Board of Revenue, should be made out on paper of the same size as that of the Chinese form enclosed, and the Commissioner's seal should be impressed on the spot indicated; you will direct your Interpreter to affix his signature to each copy, in proof of its correctness.

4.—Before despatching your Returns, you will please to supply the Superintendent of Customs with a copy in Chinese.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

ENCLOSURE No. 1 TO CIRCULAR No. 9 OF 1863.

OFFICE OF MARITIME CUSTOMS

RETURNS FOR THE QUARTER ENDING

A.—DUTIES COLLECTED: INDEMNITY: EXPENDITURE.		Tls	m.	c.	c.
1. [No. of] Foreign Vessels [of how many] Tons: entered during the Quarter	cleared " " "				
2. Amount of Import Duties, " exclusive of "	" " " Tls. "				
" Opium.	Paid by vessels				
" Export Duties	that cleared during				
" Coast Trade Duties.	the Quarter. "				
" Tonnage Dues	" "				
3. [No. of] Peculs, Opium imported under Exemption Certificate	paying duty, Tls. ...				
" Prepared " " "	Tls. "				
4. Duties collected by Commissioner on Merchandise laden in					
Chinese Bottoms—					
Import Tls.	Export Tls.				
Tonnage Dues Tls.	Tls.				
5. Sum paid [on date] to English for Quarter preceding, as Indemnity.					
" " " French " " "					
" " " Americans " " "					
Sum payable for present Quarter to English					
French " " "					
Americans " " "					
6. Commissioners' Expenditure:—					
Balance from preceding Quarter	..... Tls. }				
Sum received from Superintendent of Customs " " "	" " " Tls. }				
Sum expended during Quarter " " "	" " " Tls. }				
Balance in hand " " "	" " " Tls. }				
7. Expenditure in Superintendent's Office ...	..... Tls.				
B.—OFFICE EXPENDITURE.					
1. Salaries of [] Commissioner, and [] Deputy Commissioner					
2. " " Assistants					
3. " " Foreign Tidewaiters					
4. " " Chinese Linguists					
5. " " Shupan and Writers					
6. " " Examiners, Weighers, Watchers					
7. Wages of " Office Boys, Runners, and Boatmen, etc.					
8. Office Expenditure; Stationery, etc.					
9. Miscellaneous Expenditure					
10. Preventive Service Expenditure					
11. Rent of Buildings [] Chops [], etc.					
12. Extraordinary Expenditure					
Total Haikuan Taels					
C.—HARBOUR MASTER'S DEPARTMENT.					
Expenditure for Quarter		Total Haikuan Taels			
D.—CONFISCATION FUND.					
1. Balance from previous Quarter					
2. Proceeds of Goods confiscated					
3. Amount of Fines					
4. Sum paid to Spies					
5. Gratuities					
6. Sum Expended in purchase of Sundries					
7. " handed to Superintendent					
8. Balance in Commissioner's hands					
[N.B.—Specify the currency in which the Confiscation account is kept; whether in Dollars or Taels and if the latter, what kind of Taels.]					

OFFICE OF MARITIME CUSTOMS

18

Commissioner.

MEMO: Accompanying Circular No. 9, in explanation of the Chinese Form for the Quarterly Returns.

The Chinese return differs from the English, and the particulars to be noted in it are as follows:—
RETURN OF RECEIPTS & EXPENDITURE FURNISHED BY THE CUSTOMS.

1ST QUARTER: { Commencing TUNG CHE. . . year . . . month . . . day.
Ending " " " " " " " " " " " "

A.—RECEIPTS.

Import Duties received exclusive of Opium
Opium " "
Export " "

Tls.	m.	c.	c.

N.B.—The sum received as above on Imports, Exports and Opium, amounting in all to Tls. . .
m. . . c. . . is the amount which is liable to the deductions on account of
English and French Indemnities. One-fifth of it is payable to each.

Tonnage Dues received
Coast Trade Duty received

Tls.	m.	c.	c.

B.—EXPENDITURE.

Sum payable to the English on account of Indemnity
" " " French " " " " " " " " " " " "

Tls.	m.	c.	c.

N.B.—Total payable on account of English and French Indemnities amounts to Tls. . . m.
c. . . c. . .

Sum payable to the United States on account of Indemnity
Sum expended in Commissioner's Office
Sum expended in the Harbour Master's Department

Tls.	m.	c.	c.

C.—SPECIAL NOTE.

The amount [Tls. . . m. . . c. . .] payable to the English as Indemnity for the quarter preceding the present, was paid to them on the (Chinese) . . . month . . . day of the present quarter; and the amount [Tls. . . m. . . c. . .] payable to the French for the preceding quarter, was paid on the . . . month . . . day of the present quarter.

TUNG CHE . . . year . . . month . . . day: report forwarded by Mr. . . .
Commissioner of Customs at . . . [These dates with the name of the Commissioner to be filled in.]

TUNG CHE . . . year . . . month . . . day: reported transmitted (to Tsung-li Yamên) by Mr. . . . Inspector General of Customs. [These dates, with the name of the Inspector General, to be left Blank.]

ENCLOSURE.

海關第 結 自 同 治 年 月 日 即 外 國 月 日 止 收 文 各 數 清 摺

計開

本 結 洋 船 出 進 日 記

收款

收進口正稅關平銀

一收洋藥正院關平銀

、收出口正稅關平銀

銀平關計共石

所有支付

兩國扣款每國五分之一即照此數核扣

一收船鈔銀

一、收復進口半稅關平銀

一收入內地子口稅共關平銀

一、收關照船復進口正稅
船出口正稅
鈔半稅

共關平銀

以上共收各項關平銀

支款

一應付英國扣款關平銀

一應付法國扣款關平銀

右兩國共扣關平銀

一、支本關薪俸費用等項關平銀

一 奇交總稅務司月款關平銀

另款

一、收罰款關平銀

一、收關照船照費關平銀

同治 年 月

日 海關稅務司呈報

CIRCULAR No. 12 OF 1863 (FIRST SERIES).

**Re-exports from Southern to three Northern ports, to be given
Drawbacks not Exemption Certificates.**

INSPECTORATE GENERAL,
CANTON, 16th February, 1863.

SIR,

1.—The Authorities of the Northern Provinces are of opinion that Import Duties ought to be paid at that one of the three Northern ports—Tientsin, Chefoo, or Niuchuang—at which merchandise imported is disposed of; and it is the wish of His Excellency, the Superintendent of the Three Northern ports, who in this matter is supported by the Tsung-li Yamên, that such arrangements may be made at the Southern ports as shall bring about the end desired.

2.—I have accordingly to request that, pending the receipt of instructions from the Tsung-li Yamên, you will move the Superintendent of Customs at your port to consent to the adoption of the following rules, which, with your aid, he will not find it difficult to carry out with parties engaged in trade.

3.—*First*,—That, in the case of the re-export to any of the three Northern ports of Foreign imports that have paid duty at your port, a Drawback Certificate be issued to the Re-exporter, instead of the ordinary Exemption Certificate.*

Second,—That, in the case of the Re-export to any of the three Northern ports of Native produce that has paid Coast Trade Duty—i.e., Half Import Duty—at your port, a Drawback Certificate be handed to the Re-exporter for the sum paid as Coast Trade Duty, and that the original Export Duty Certificate, handed in by the Importer at the time of the arrival of the goods, be given to the Re-exporter, with a note on the face of the document showing the goods to be re-exports.

4.—As the proposed arrangement has already the verbal sanction of the members of the Tsung-li Yamên, and as it will not, in any great degree, affect the revenue of your port, I trust you will be able to induce the Superintendent of Customs to carry it out.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

* Vide Circular No. 20 of 1863.

CIRCULAR No. 15 OF 1863 (FIRST SERIES).

Engaging in Trade by Customs Officials, strictly prohibited.

INSPECTORATE GENERAL,
CANTON, 30th March, 1863.

SIR,

I append for your information, and for communication to the members of your establishment, a rule drawn up in 1860 by Mr. Lay, Inspector General:—

“ You are desired distinctly to understand that no officer of the
“ Customs can own either in whole or in part any vessel; or act as
“ Agent, Attorney, or Consignee, for the owner of any vessel, or of
“ any cargo, or lading on board; nor can he be concerned, directly
“ or indirectly, in the importation or exportation for sale of any
“ merchandise, goods, or wares, of whatever kind or description,—
“ under penalty of dismissal from office.”

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

CIRCULAR No. 16 OF 1863 (FIRST SERIES).

**Barrier Rules defining procedure in cases of produce passing
barrier without permit, or refusing to pay Transit
Dues, enclosing copy of, in Chinese.**

INSPECTORATE GENERAL,
SHANGHAI, 18th April, 1863.

SIR,

1.—I enclose, in Chinese, three Rules that have been approved of by H.E. the Acting Imperial Commissioner Li, affecting goods passing the Barriers nearest the port, when being conveyed to or from the interior.

2.—The first Rule refers to goods which have passed the Barrier, before reporting at the Barrier office for examination. The very fact of having passed the Barrier without first reporting renders such goods confiscable, and they are accordingly liable to seizure. The Rule, however, provides, that, if the person in charge causes the goods, at no great distance from the Barrier, to await examination, and repairs to the Barrier Office to report, prior to any seizure of his property by the Barrier officials, then the goods shall not be confiscated, but shall be called upon to pay six times the sum originally leviable as Barrier or Transit Dues.

3.—The second Rule likewise affects goods which have passed the Barrier without reporting and awaiting examination. It provides that the goods, *having passed the Barrier*, shall be confiscated if seized before being reported for examination by the person in charge of them.

4.—The third Rule affects goods which, on arrival at the Barrier, are reported for examination, but on which the parties concerned refuse to pay the Transit Dues leviable. Upon such refusal to pay Transit Dues, the Barrier officials are to seize and detain all the goods, and they are then to communicate the facts, for his decision, to the Superintendent of Customs: if he decides that Transit Dues are not leviable, the goods are to be released; if, in his opinion, Transit Dues are leviable, and the party concerned still refuses to pay, the goods are to be detained; if a Consul then enquires the cause of the detention, the Superintendent will inform him of the facts of the case, and will request him to direct the payment of the dues demanded; if the Consul objects to the payment of the dues, the question is then to be referred to Peking for decision; and, in the meantime, the goods may be released, provided the merchant enters into a Bond, with sureties deemed sufficient by the Superintendent, to abide by the decision of the Peking Authorities, and the Bond is to be deposited with the Superintendent.

5.—Your interpreter will furnish you with a full translation of the Rules in question.

I am, etc.,

(signed) ROBERT HART,

O.I.G. of C.M.C.

ENCLOSURE.

辦理商人運貨私越過卡章程

一凡有商人將土產貨物自內地運赴海口到該海口總卡之時若已過卡而載貨之船隻車輛並帶貨之挑夫雖入海口界內然在彼離卡不遠候驗其貨主在該卡未經查出拏獲之先自行赴卡請驗則其尙未有意走漏然過卡不聽查驗自行過去亦屬不合議將其貨罰稅餉五倍方准放行如運貨入內地者亦照一律辦理

一凡有商人將土產貨物自內地運赴海口到該海口總卡之時若私自過卡而載貨之船隻車輛並帶貨之挑夫已入海口界內未曾報卡經該卡拏獲即將所拏之貨照數充公如運貨入內地者亦照一律辦理

一凡有商人運貨抵卡遵驗如不肯完納子稅者應由關卡將該貨全數扣留立刻將情形稟明海關監督以便查明是否應納如若查明不應納者立即放行倘或監督之見查明應納者而該商仍不肯照納應將其貨依舊扣留俟該國領事官行文詢問該監督即將因何扣留之處詳細照覆若該領事以應納子稅爲然當亦無難徵收倘該領事以不應納子稅爲詞而監督之意仍應行納稅即應由監督並領事官將此案詳細情事申明

總理衙門及駐京公使聽候酌議查辦並應由監督將扣留之貨算清應納之稅數知會領事官由領事官即令該商照數出結聽候

大憲定斷隨將此結單送交監督收存則准該貨放行俟

大憲斷後再行照辦

CIRCULAR No. 18 OF 1863 (FIRST SERIES).

Inspector General, Mr. H. N. Lay, return to China of.

INSPECTORATE GENERAL,
SHANGHAI, 9th May, 1863.

SIR,

I have now to notify you of the return to China of Mr. H. N. Lay, and of the resumption by that gentleman of his duties as Inspector General of Chinese Maritime Customs.

I am, etc.,

(signed) ROBERT HART,
O.I.G. of C.M.C.

THE COMMISSIONERS OF CUSTOMS at
*Tientsin, Chefoo, Hankow, Kiukiang,
Chinkiang, Shanghai, Ningpo, Foochow, Amoy,
Tamsui, Takow, Swatow, and Canton.*

CIRCULAR No. 20 OF 1863 (FIRST SERIES).

**Drawbacks or Exemption Certificates to be issued
at option of re-exporter.**INSPECTOR GENERAL'S OFFICE,
PEKING, August 20th, 1863.

SIR,

I have to announce to you a modification of the rule whereby Drawbacks were substituted some months ago for Exemption Certificates. According to the Treaties, the document to which the merchant is entitled when shipping duty paid goods, Native or Foreign, from one Chinese port to another, is an Exemption Certificate. The Prince of Kung has directed that the issue of the above documents shall in future depend upon the application of the merchant; if he applies for a Drawback, a Drawback is to be issued to him; if he applies for an Exemption Certificate, he is to receive an Exemption Certificate. You will please make this known to the community at your port, and I have to request that you will take care that all Exemption Certificates, tendered at your office, and found to be in order, are accepted by the Superintendent of Customs.

I have, etc.,

(signed) H. N. LAY,
I.G.

CIRCULAR No. 21 OF 1863 (FIRST SERIES).

**Tonnage Dues, Yamên's 3/10ths of, to be remitted through
the Inspector General.**

INSPECTOR GENERAL'S OFFICE,
PEKING, *August 22nd*, 1863.

SIR,

1.—I am requested by the Prince of Kung to inform you, that the Superintendents of Customs have been instructed to discontinue the transmission by land of the 3/10ths of the Tonnage Dues set apart for the maintenance of the Peking Schools, and to pay this amount in future into the hands of the Commissioners of Customs for remittance to the Inspector General.

2.—You will please therefore receive from the Superintendent at your port any sums that he may pay to you on the above account, and remit the same to me in the most economical way possible.

I have, etc.,

(signed) H. N. LAY,
I.G.

CIRCULAR No. 23 OF 1863 (FIRST SERIES).—H. 1.

Mr. Robert Hart appointed Inspector General.

INSPECTORATE GENERAL OF MARITIME CUSTOMS,
SHANGHAI, *30th November*, 1863.*

SIR,

I have to inform you that I have been appointed by the Chinese Government to the post of Inspector General of Imperial Maritime Customs; you will accordingly in future address all communications intended for the Inspectorate General to me at Shanghai.†

I am, etc.,

(signed) ROBERT HART,
Inspector General.

*The date of Prince Kung's despatch appointing Mr. Hart to be Inspector General was 15th November 1863 (*vide* British Parliamentary Papers: China No. 2 (1864), pp. 35, 36).

†The Inspectorate General of Customs was not established at Peking till August 1865.

CIRCULAR No. 1 OF 1864 (FIRST SERIES).

**Returns of Trade for 1863 to be forwarded to Shanghai
for publication.**

INSPECTORATE GENERAL OF CUSTOMS,
SHANGHAI, *17th February*, 1864.

SIR,

I have to instruct you to forward, without delay, the Returns of Trade at your port, for the year 1863, to the Commissioner of Customs at Shanghai, who has been directed to take charge of their publication, and through whom the printer's bill will eventually be forwarded to you for liquidation.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 5 OF 1864 (FIRST SERIES).

**Fines and Confiscations, Quarterly Report of, enclosing Chinese
form for; proceeds how to be divided.**

INSPECTORATE GENERAL OF CUSTOMS,
SHANGHAI, *17th March*, 1864.

SIR,

1.—Having reference to my Circular despatch No. 8 of 1863, I have now to inform you that I have again received instructions from the Tsung-li Yamên, directing me, for the future, to forward Quarterly Returns of Confiscations and Fines at the end of every three months.

2.—As my ability to answer interrogatories, and to transmit returns without unnecessary delay, depends upon the care with which the various Commissioners draw up, and the promptness with which they forward those returns, I trust that, commencing with the current quarter, you will give me your best aid in carrying out the Tsung-li Yamèn's wishes.

3.—I enclose a form, in accordance with which the Chinese versions [of which, in future, three copies will be required] are to be drawn up. You will see that, in the Chinese version, the various cases of breaches of rules and regulations are to be reported according to the dates on which such breaches occurred, and the facts of each case are to be narrated in simple chronological order: thus—

On such and such a day, such and such a merchant, from such and such a ship, discharged such and such goods without permit: the goods were seized, confiscated, and sold for Hai-kuan Taels so many; or, the case has not yet been finally settled, as may be.

4.—At the end of each quarterly report, there are to be six items, in which you will be careful to be correct, viz.:—

1°.—Sum Total received for Fines and Confiscations.

2°.—Expenses of Seizures.

3°.—Divisible amount after deduction of expenses.

4°.—Amount 3/10 handed to Superintendent for transmission to Peking.

5°.—Amount 3/10 handed to Superintendent, and

6°.—Amount 4/10 retained by Commissioner.

The 3/10 referred to in items 4 and 5, and the 4/10 in item 6, are to be calculated on the sum that remains to the credit of the Confiscation Fund after deducting the *necessary* expenses attending Seizures, *i.e.*, payments made to spies and hire of boats, etc.

I am, etc.,

(signed) ROBERT HART,

I.G.

CIRCULAR No. 8 OF 1864 (FIRST SERIES).

The Customs Service, the spirit that ought to animate it, the policy that ought to guide it, the duties it ought to perform; general considerations and special Rules.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *21st June*, 1864.

SIR,

1.—Various occurrences, which have attracted my attention during the course of the last three years, induce me to think, that it might prove of no little utility to all concerned, to place before the Commissioners of Customs sundry considerations, of a kind calculated to lead to more correct ideas of some of the principles by which they ought to be guided in the discharge of their duties, and suggestive of some points of view from which the Inspector General, as the responsible Agent of the Chinese Government, is necessitated to regard their action, more especially when that action provokes public criticism, or elicits marks of disapprobation, whether on the part of Foreigners or Chinese. It is with such an object in view, as well as to notify certain rules of the Service, that this Circular Despatch is addressed to the gentlemen in charge of the Offices of Customs at the various ports: and to its contents their particular attention is invited.

2.—In the first place, it is to be distinctly and constantly kept in mind, that the Inspectorate of Customs is a Chinese and not a Foreign Service, and that, as such, it is the duty of each of its members to conduct himself towards Chinese, people as well as officials, in such a way as to avoid all cause of offence and ill-feeling. Whatever other Foreigners resident in this country may deem themselves entitled to do, whether from their position, or fancied superiority to the Chinese, or in the way of showing their superior enlightenment by riding rough-shod over prejudices, and by evincing a general contempt for customs differing from their own, it is to be expected from those who take the pay, and who are the servants of the Chinese Government, that they, at least, will so act as to neither offend susceptibilities, nor excite jealousies, suspicion, and dislike. In dealings, therefore, with native officials, and in intercourse with the people, it will be well for the Foreign employés of the Customs to remember, that they are the brother officers of the one, and that they have, to some extent, accepted certain obligations and responsibilities by becoming, in a sense, the countrymen of the others: the man who cherishes such an idea, will be led to treat the one class with courtesy, and the other with friendliness;—courtesy will

smooth his way in the transaction of official business, and the conduct that originates in a really friendly feeling will tend to do away with much of the dislike, in many places shewn to Foreigners generally.

3.—While he is to keep in mind and act upon the hint contained in the preceding paragraph, it is not, of course, expected that any one will forget that he is a representative of a civilisation of a progressive kind, that differs in almost every respect from that of this country; nor will he be expected, as such, to suppress the inclination that naturally will lead him to seek to awaken some interest in that civilisation, and to introduce such of its appliances as the experience of the West has shewn to be productive of generally beneficial results. But the action that such consideration involves, must be of a secondary kind: the first thing to be remembered by each is, that he is the paid agent of the Chinese Government for the performance of specified work, and to do that well should be his chief care; subsidiary to that work must be those plans and that action which march in the train of progress, and they too, to be both beneficial and successful, must be guided by the good sense that patiently awaits its opportunity, that can suggest without affectation of superiority, that labors to convince rather than to dictate to, and that can introduce remedies without causing the irritation that attends the exposure of defects.

4.—For sufficiently obvious reasons, the application of the broad principle, by which action ought to be guided, needs no further amplification or illustration. If properly appreciated, its influence will make itself felt in the most minute details of the individual's official work and private life in China. Each Commissioner has special duties to perform and responsibilities to meet, originating in the position in which he is placed at the port at which he is located. The official relations in which he stands to the Inspector General, the Superintendent of Customs, the Consuls, the Mercantile community, and the Service generally, demand his consideration, and not to understand them will render him liable to errors in the performance of the duties that accompany them. He is the delegate or deputy of the Inspector General,—the only one in the Service, it is to be remembered, held responsible by the Chinese Government,—and is appointed to take charge of the Foreign staff that aids the Chinese Superintendent in the collection of the Revenue, and in the transaction of Customs' business; he is by position the head, under the Superintendent, of the executive, and, by courtesy, though not necessarily, he is the adviser of the Superintendent in all that concerns Foreign trade at the port in

question. As head of the executive, his duties are simple, though important, and are such that a man of common sense can hardly fail to perform them satisfactorily and efficiently, guided as he is by Port Regulations, which provide for almost every ordinary contingency, and aided by an office routine that ought to make the transaction of business a matter of mechanical correctness. As the adviser of the Superintendent, his position becomes a different and more difficult one; his speciality is—or at least is supposed to be—a correct knowledge of the regulations under which trade by Foreigners with China is carried on, and it is taken for granted that that knowledge is accompanied by an accurate acquaintance with the habits, wishes, modes of thought, and ways of viewing occurrences, of those Foreigners, as well as by a greater familiarity than other Foreigners can have, with the nature, circumstances, and rights of the Chinese. The Commissioner is accordingly likely to be regarded by the Superintendent as being better qualified than he is himself to pronounce a correct opinion on every question that presents itself, and, however frequently he may fail to endorse his action after the event, the Superintendent will rarely otherwise than adopt his opinions and put forward his views beforehand. It is right and natural, too, that the Superintendent should appeal to the Commissioner for advice, for he will assume that the Commissioner has such a comprehension of the reciprocal obligations, rights, and modes of acting of both Chinese and Foreigners, as shall make him a safe counsellor; and, on the other hand, the Superintendent, if but newly appointed to his post, cannot but be as ignorant as the other ought to be well informed. It is, too, the corollary of his position, as the Inspector General's deputy, and it is in some respects his right, as the head of the Superintendent's executive, that the Commissioner should be the Superintendent's adviser; it is, however, only by the Superintendent's courtesy, that advice is on each occasion asked for or followed. Such considerations will naturally lead the Inspector General to expect the executive of each establishment to be thoroughly acquainted with its duties, and thoroughly efficient in every respect, and to the Commissioner will he look to see that it is so; further, and as naturally, too, will the Inspector General expect the advice given to the Superintendent to be sound and correct, and nothing will cause greater surprise than to find that the Superintendent, in following that advice, has been placed in either an impolitic, inexpedient, or, more especially, *untenable* position. On this latter point, it is to be particularly pointed out, that any action taken, or advice tendered, by a Commissioner, which shall have the effect of placing a Superintendent in a false or untenable position, will be regarded as evidence that

that Commissioner has not had sufficient experience, and does not possess that acquaintance with the more important parts of his duty, which—and which only—justifies his occupancy of such a position; and, however much to be regretted may be the necessity for such a step, it will be the Inspector General's duty, in the interests of the Chinese Government, of the Customs' Service, and of the Mercantile community, to remove from his post any individual who may, by such action as that referred to, give evidence of his unfitness to be at the head of an office. The good sense of each Commissioner will doubtless preserve him from such errors in judgment, as well as prevent him from allowing the warning this paragraph contains, to have the effect of inducing complete inaction through fear of responsibility.

5.—While it is the Inspector General who is responsible to the Chinese Government for the efficiency and trustworthiness of the various Foreigners appointed to posts in the Customs' Service, and for the work generally as performed by the Foreign executive, it is the Superintendent of Customs at each port who is, in point of fact, officially responsible for the proper discharge of the duties of that port. The position of the Commissioner is accordingly of necessity subordinate to that of the Superintendent, and, while, at the same time, personally, he differs from the Superintendent's subordinates, properly so called, it is not becoming for him to thrust himself needlessly forward, and, in the eyes of either Foreigners or Chinese, court or accept responsibilities other than those that properly attach to him; it is injudicious, too, and likely to be attended with bad results, for the Commissioner to arrogate to himself the tone of the Superintendent, for, while such a proceeding is not unlikely to offend the Superintendent himself, it is calculated to lead the public to misapprehend the nature of the Commissioner's office, and to demand of him services, which, if rendered, in addition to being unauthorised, place him in a still falser and more difficult position for the future, and which, if refused, not only call forth, and to some extent give grounds for, the charges of caprice, favouritism and antagonism, but tend, too, to weaken and discredit the position to which he is in reality entitled. The more the Commissioners keep in the back-ground, the better will it be for the duties they have to perform, and the less will be the chances of their becoming the objects of ill-feeling.

6.—The Commissioner's position at the port will naturally bring him more or less into contact with the various Consuls, and, for the speedy adjustment of difficulties, as well as for the transaction of business generally, it is desirable that acquaintance with them—the non-mercantile more especially—should partake of the nature of

intimacy, and that friendly relations should be always preserved. In whatever official correspondence or conversation the Commissioner may have with such Consular authorities, it will be still more advisable to bear in mind the fact of the Superintendent's official responsibility, and to refrain from adopting such a tone as shall tend to cause the Consuls to consider or treat the Superintendent as a nonentity, or lead them to transfer his responsibility to the Commissioner. However desirable it may be that ultimate decisions should be those that the Commissioner may advise, it must not be forgotten, that advice must be accepted by the responsible head of the local establishment—the Superintendent—before action can be taken, and that the decision come to on such advice is, *ex officio*, the Superintendent's decision; care ought therefore to be exercised, to refrain from in any way interfering to the prejudice of the Superintendent's assertion of the dignity of his own position, and consequent responsibility:—and, to authorise it to be said that the decision rests with the Commissioner, would be such an interference. A judicious sinking of self will not in any way derogate from one's respectability or real influence; whereas an undue amount of self-assertion, the more especially if it be of that unwarranted kind which is seen where the responsibility really rests with another, will sap the foundations of influence, and must, in the end, make the individual ridiculous.

7.—With the members of the mercantile community, the Commissioner and the members of the establishment, come into daily contact. Most of the merchants are said to entertain a deep-rooted dislike for the Inspectorate; many of them are at no pains to conceal that dislike; and all of them equally will cry out whenever regulations are enforced to their prejudice, or even when they are subjected to delays which, though necessary to enable the office to do its work, to them seem vexatious and uncalled for. It is to be regretted that such a feeling should exist, but it is a matter of congratulation that the virulence of the hostility, shows signs, at some of the ports, of disappearing. The feeling referred to, originating in the exemption from the necessity to attend to Customs' business that merchants, generally, enjoyed a few years ago, has, it is to be confessed, been kept in existence, and on some occasions almost justified, by the unavoidable inefficiency of the Customs' staff, and by the antagonism, on the part of the Customs' people, that it itself called forth in return. The charge, too, that the Customs have been careless of the interests of the merchants, has in some respects been negatively not an ill-founded one. We, however, are not the masters of the likes and dislikes of other people,

and with the feeling of the merchants, whatever may be our wishes, we can have but little to do; it would, of course, be more pleasant for all, were the Inspectorate more popular, but that it will ever be so, in any very high degree, can hardly be hoped for, inasmuch as, in every place and age, the administration of the revenue has invariably provoked opposition and hostility. Nevertheless, we have positive duties to attend to, and it is as easy to get through them smoothly, as it is to make their performance vexatious. Antagonism to the merchants is not the principle that ought to guide a Commissioner, or his staff, in the conduct of Customs' business. It is when trade flourishes that the coffers of the revenue are most rapidly filled, and for trade to flourish, its operations should be as much facilitated, and as little fettered, as possible; on the other hand, the interests of the Inspectorate itself require that work should be performed not only efficiently but smoothly, and, for office work to go on smoothly and to be performed efficiently, it is requisite that the rules and regulations should be of the least cumbrous and most intelligible kind,—that each individual in the office should be thoroughly acquainted with the work of his own department—that the merchants should know to whom, and in what way, to apply for the transaction of their business; and above all, that the only display of feeling should be such as might be evinced in the desire—the more reciprocal the better—to oblige. To a public servant it will be quite a sufficient reward, to be conscious of the fact that the most disagreeable of duties is performed in the least disagreeable of ways; whether the attempt to oblige is acknowledged, or not, need matter but little to him. From such a standing point, it will be seen to be the duty of the gentlemen in charge of offices, to study well, with a view to practical results, the condition and requirements of the several ports at which they are located; with a proper regard to the protection of the revenue, the interests of the merchants should be their chief care; they ought to see that useless rules are not enforced, and that such as are of an unnecessarily vexatious character are modified; they ought, by constant personal supervision, to assure themselves, that the members of their establishments understand their duties thoroughly, perform them carefully, and show themselves willing and obliging; as public servants, they are bound to help the public in the transaction of the business that brings them to the office, and it should be their aim to demonstrate practically—not only that, given the present order of things, the arrangements made for the transaction of business are the best possible, but—that the present order, is, or may be made to be, superior to any other in its collateral benefits and advantages. No Commissioner need entertain the fear that his efforts to facilitate

business, and, by so doing, to consult the true interests of trade and commerce, will be characterised by the Inspector General as truckling to the merchants; a gentlemanly assertion of the dignity of one's own position, is by no means incompatible with a due and careful regard for even the most trivial, if honest and rightful, interests of others. The mercantile communities ought, therefore, to be encouraged to make such suggestions as to them—viewing business, to be transacted, from their side and their points of view—seem likely to tend to render work easier; and, indeed, the more forcible the language with which they point to existing defects, the more intelligible will it be. Human institutions are seldom perfect: ours, however, is not fettered by the red-tape that clogs the action of other departments; and it is our duty, as it ought, too, to be our pleasure, to aim at the perfect. Approaches to it, be they recognised or not, will in themselves, as points gained, sufficiently reward whatever trouble may be taken. Such being the Inspector General's views and wishes, it is confidently expected that the Commissioners will be guided thereby, and that they will coöperate cheerfully in carrying out a policy which will be found, in the end, to tend in the highest degree to lighten the work of the office, and to render most easy of performance the duties of the several heads of departments.

8.—With a view to the greater efficiency of the Service, the Commissioners ought to endeavour by their counsel and example, to imbue their subordinates with such an interest in their work, and such an *esprit de corps*, as shall educe the knowledge and qualifications that fit juniors for taking the place of seniors, and inspire the heads of the Service with confidence in the capacity of its members. As many as can do so, ought to pay some attention to the study of the Chinese language; it will be found to be not altogether uninteresting in itself, and while the acquisition of the language may subsequently prove as beneficial to the individual, as it will be useful to the Service, the study of it will, at all events, lead to some knowledge of, and create some interest in, the Government we serve, and the people among whom our lot in life has been cast. It is the Inspector General's aim to make the Service efficient: let it be the care of the Commissioners and their subordinates to make it respected.

9.—The specific duties to be performed by the Commissioners, are those which arise from their connection with, and position in, the Chinese Customs. The full and efficient performance of their own duties, as Commissioners of Customs, will leave them but little time for engaging in work of any other kind, and indeed,

generally speaking, to engage in any other work is only too likely to be followed by, as a result, an inadequate attention to their duties proper. The Inspector General thinks it right accordingly to discourage as much as possible the acts of those who take part in other than Customs' affairs. Inasmuch, however, as the Commissioners, from their greater intimacy with Chinese officials, may in general be able to influence those officials more easily than can others, it might be unwise to issue an absolute prohibition against interfering with affairs beyond the province of the Customs; for, the friendly advice of the Commissioner, if sound, may be attended with good results in many cases, which might otherwise result in unfortunate complications. The Inspector General, however, wishes it to be distinctly understood, that, while such matters must be left by him to the good taste and discretion of the Commissioners individually, he will not share the responsibility of such action; and that instances of unwarranted or ill-advised interference, will be viewed as affording evidence of unfitness for a position of such trust as is that of a Commissioner. Moreover, whenever a Commissioner goes, or proposes to go, beyond the proper sphere of his duties as such, his neglect to report the action taken, or proposed to be taken, will be regarded as reprehensible in the extreme. Copies of correspondence with local or other officials, relating to matters not connected with the Customs, must be forwarded for the information of the Inspector General.

10.—While the question of interfering with business other than Customs' at his port, is left to be decided by the exigencies of the occasion and the discretion of the Commissioner, it must be distinctly understood, that the Inspector General will totally disapprove of any interference, on the part of any Commissioner, with affairs of any kind, Customs' or other, at another port, or beyond the limits of the district, with the supervision of which the office he presides over is charged. In order that the various Commissioners may be fully aware of the limits within which each is authorised to act, and beyond which his action must cease, the Inspector General appends hereto the names of the places which form the boundaries of the several ports and stations:—

- a.—The officer in charge of the Canton Customs will not be called upon to interfere in, or take cognisance of, anything that takes place to the East of Hongkong, or, for the present, to the West of Hainan;
- b.—The officer in charge of the Swatow Customs will confine his attention to that part of the coast which is situated between Hongkong and the Lámocks;

- c.*—From the Lamocks, North, to Chinchew inclusive, will form the district under the supervision of the officer in charge of the Amoy Customs;
- d.*—From Chinchew, North, to Pihkwan harbour inclusive, will form the district under the supervision of the officer in charge of the Foochow Customs;
- e.*—From Pihkwan harbour, North, to Hangchow bay, will, for the present, form the district under the supervision of the officer in charge of the Ningpo Customs;
- f.*—From Hangchow bay along the Coast as far as the old mouth of the Yellow River, lat 34° North, and up the Yangtsze to the Langshan crossing, will form the district under the supervision of the officer in charge of the Shanghai Customs;
- g.*—From the old mouth of the Yellow River to the Ta-tsin-ho, will form the coast line under the supervision of the Chefoo Customs;
- h.*—From the Ta-tsin-ho to the Shan-hai-kwan will be under the supervision of the Tientsin Customs;
- i.*—From the Shan-hai-kwan to Niuchuang, and from Niuchuang South to Ta-lien-wan, will be under the supervision of the Niuchuang Customs;
- j.*—On the Yangtsze, the Chinkiang Customs will take charge of the river from the Langshan crossing to Nanking;
- k.*—The Kiukiang Customs will, for the present, exercise supervision on the river from Nanking to the gorge west of Kiukiang;
- l.*—The Hankow Customs will exercise supervision on the river from the gorge to Yōchow, at the mouth of the Tung-ting lake;
- m.*—The North and Northern half of the West Coast of Formosa will be under the supervision of the officer in charge at Tamsuy;
- n.*—The South and Southern half of the West Coast of Formosa will be under the supervision of the officer in charge at Tai-wan-fu.

11.—The Inspector General is not unaware of the fact that the ports differ from each other in respect of the numbers of resident Foreign merchants, in the amount of duties collected, and in other

ways; and that while at some there are Commissioners, at others there may merely be Acting Commissioners, or even Assistants in Charge, and that these classes, too, draw different rates of pay. It is to be clearly understood, however, that whatever be their titles, and whatever their rates of pay, the officers selected to take charge of the ports are regarded by the Inspector General as, for the time being, on precisely the same footing, and that, in the absence of specific instructions to the contrary, an Assistant in Charge, acting as such by the Inspector General's authority, is fully entitled to address the officers in charge at other ports on terms of perfect equality.

12.—Without special authority from the Inspector General, no officer in charge of a port is allowed to leave the limits of the Fu or prefecture in which his port is situated, save in cases of absolute necessity; and any officer so leaving, in addition to notifying the Superintendent at the port of his proposed departure, and making proper arrangements for the conduct of business during his absence, must at once report the fact, with the reasons for it, to the Inspector General. He is, however, at liberty to depute any member of his establishment to visit, on official business, any place situated on the coast, within the limits assigned by the 10th paragraph to his office.

13.—The Commissioners are not empowered to reduce the pay of, or to dismiss from the Service, any of the Assistants, Linguists, Tide-Surveyors, or Assistant Tide-Surveyors; but, in case of mis-conduct, and in order to the preservation of discipline, any individual of the classes alluded to may be suspended pending reference to the Inspector General. Should any one resign his appointment, the circumstance is to be reported without delay to the Inspector General.

14.—Tidewaiters and Chinese employés, not Linguists, may be dismissed without reference to the Inspector General. If, however, the individual dismissed be a Foreign Tidewaiter, the fact and cause of his dismissal ought to be reported to the Inspector General; if a Shupan, his dismissal ought to be reported to the Superintendent of Customs at the port.

15.—Without the sanction of the Inspector General, no one is to be employed in the office on pay, or to be allowed in the office without pay, to perform any duties whatever; nor is any one to fill the post of Tide-Surveyor or Acting Tide-Surveyor otherwise than temporarily, until approved of by the Inspector General. The Shupan ought to be procured through the Superintendent.

16.—The pay of Chinese drawing ten taels or more, or of Foreigners drawing sixty taels or more, monthly, is not to be increased without the sanction of the Inspector General.

17.—No Foreign vessel is to be chartered for any purpose connected with the Customs, without the sanction of the Inspector General.

18.—In the event of any insult offered to, or ill-treatment received by, any Customs' employé, whether Native or Foreign, it will be the Commissioner's duty to move the Superintendent of Customs to punish the offender, if Chinese, or, if a Foreigner, to address an official complaint, calling for a formal and public investigation of the charge, to the Consul concerned. Should the Consul refuse to make the examination, or should he appear to act unfairly in the matter, to the detriment of the public Service, it will be the Commissioner's duty to report the occurrence, forwarding copies of all documents, to the Inspector General, and to move the Superintendent to address a similar report to the Tsung-li Yamên. The Commissioner must not by stopping the working of a vessel, by forbidding the person to enter the office, or by any other similar act, take the law into his own hands.

19.—The Inspector General is responsible to the Chinese Government, for the good conduct, honesty, and efficiency, of the various Foreigners employed in the offices of the Inspectorate, and he is liable to be dismissed from his post at a moment's notice, in the event of his services, or the services of those he recommends for employment, being deemed unsatisfactory by the Government. The Commissioners of Customs, the Assistants or Clerks, and the Foreign employés, generally, hold their positions so long as the Government requires their services, provided their general conduct, and the mode in which they perform their duties, are satisfactory to the responsible Agent of the Government, the Inspector General, with whom alone rests the right to employ or dismiss, to promote or degrade, or change from one port to another. Except in the cases of those who may hold letters of appointment, in which distinct provision of a different nature is made for such a contingency, a Commissioner, or an Assistant on the regular list, with whose services the Inspector General finds it expedient or requisite to dispense, is entitled to three months' notice, or, in default of notice, to three months' pay.

20.—When the requirements of the Service allow of it, Commissioners, Assistants, and Tide-Surveyors, are allowed one year's leave, *after* five of service, on half-pay. Application for leave of

absence ought to be made three months' beforehand; and, when possible, applicants should arrange for their leave to commence in either January or April. Annually, leave of absence for a period of six weeks on full pay will be granted, provided such arrangements can be made as shall secure the efficiency of the offices concerned. Linguists will be allowed leave for three months on full pay, once every three years. Without reference to the Inspector General, Commissioners may, from time to time, grant leave for periods not exceeding ten days, to the members of their respective establishments.

21.—Proposed additions to, or alterations in, existing Regulations, ought to receive the sanction of the Inspector General, before they are communicated to Consuls, or made public in any other way.

22.—Should the Commissioner at one port detect mistakes in documents presented at his office, or should he receive information that may lead him to suppose that a fraud on the revenue, or a breach of Regulations, has been, is being, or is about to be committed within the limits of a district other than that with the supervision of which he himself is charged, it will be his duty to communicate what has come to his knowledge, without delay, to the Commissioner in charge of the office situated in the district concerned.

23.—At the end of each month, it will be the duty of each Commissioner to forward to the Inspector General, a short report of the chief occurrences of the month, with remarks on the trade of the port, and a short abstract of duties collected, office expenditure, and amounts realized by fines and confiscations. The Inspector General must beg each Commissioner to exercise great care, so that the Returns—more especially the Chinese versions—shall be in every particular correct, neatly made out, and free from erasures.

24.—From what has been written above, it will be evident to the Commissioners, that the object the Inspector General has in view is simply to give shape, efficiency and regularity to the Service, as well as to prevent misunderstandings and mistakes; and it will be equally obvious, that it will be as much for their interest as for his, to carry out cheerfully and faithfully the directions given, and to act up to the spirit of the suggestions made.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 16 OF 1864 (FIRST SERIES).

Luggage, Chinese Passengers', not protected by *Hu-chao* to be searched at Commissioner's discretion.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 19th October, 1864.

SIR,

1.—Having reference to the luggage of Chinese passengers arriving at, or departing from, your port in Foreign vessels, I am directed by the Tsung-li Yamên to inform you, that the only document to be respected by you, as an authority to pass luggage without examination, is an official certificate issued by, and sealed with the seal of, the Superintendent of Customs.

2.—With the exception of luggage covered by such certificate, you will use your discretion as to whether or not examination ought to be made. To hand in an official's card or private note, in support of a request for exemption from examination, is pronounced by the Board to be a breach of the Revenue Laws.

3.—The object with which I write this Circular is merely to communicate to you the information above contained. You are not to infer from it, that, inasmuch as attention has been called to the subject, you are therefore, on all occasions, to search every parcel unprotected by a sealed certificate. Travellers ought not to be harassed, and, using your discretion, you will only direct luggage to be searched where you have strong suspicions that it contains contraband.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 1 of 1865 (FIRST SERIES).

**Tonnage Dues, one-tenth of, to be received quarterly and
paid into I.G.'s Account C.**

INSPECTORATE GENERAL OF CUSTOMS,
CANTON, *6th January*, 1865.

SIR,

1.—I have been authorised by the Tsung-li Yamên to receive quarterly from the Superintendent of Customs at each port, one-tenth of the Tonnage Dues collected during the quarter, to be appropriated by me to such uses, in connexion with harbour improvements, etc., as I may deem expedient.

2.—I have now therefore to instruct you to apply to the Superintendent at your port at the end of each quarter, commencing with the current one, the XVIIIth, for a tenth of the Tonnage Dues collected during the quarter; when handed to you, and in the event of your not having received any further instructions from myself as to the disposal of it, you will have the goodness to forward it, in the most economical way you can, to be placed to the credit of my Account C, with the Oriental Bank Corporation [Hongkong or Shanghai].

3.—Similar instructions have been sent through the higher Chinese authorities to the various Superintendents. The Despatch addressed to me by the Tsung-li Yamên is dated the 3d of the 10th Moon—1st November, 1864.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 2 OF 1865 (FIRST SERIES).

**Tonnage Dues, Exemption Certificates, Duty-Paid Certificates,
Munitions of War, Hongkong; general
instructions respecting.**

INSPECTORATE GENERAL OF CUSTOMS,
CANTON, 6th January, 1865.

SIR,

1.—In order to ensure uniformity at the ports, and clear up doubts that at present exist, I proceed to furnish you with the following instructions and explanations, in accordance with which it will be your duty to act for the future.

2.—*Tonnage Dues.*

a.—Tonnage Dues are to be held due the moment a vessel breaks bulk, or, in the event of her not having broken bulk, on the expiration of forty-eight hours, to be reckoned from the time of entering the limits of the port as defined in the Port Regulations.

b.—The Special Certificate exempts from further payment of Tonnage Dues, for the period of four *calendar* months, vessels that have not made voyages to any Foreign ports, Hongkong excepted; and the period of four calendar months is to be reckoned—not from the date on which Tonnage Dues originally became due, or on which the previous Special Certificate expired, but—from the date of the Port Clearance issued by the Customs at which the Special Certificate was granted. The Special Certificates issued in future should bear on the face a note of the day (reckoning from the date of the Port Clearance) on which they will expire.

c.—The 23d Article of the Prussian Treaty is somewhat loosely worded, and has in that way given rise to the supposition, that the Special Certificate is not rendered *null* by a voyage to a Foreign port. That supposition is an erroneous one, and the article in question is to be regarded as synonymous with the 29th of the British Treaty.

d.—In collecting Tonnage Dues on Steamers, care is to be taken to see that, in the Tonnage reported, the space taken up by Engines, Boilers, and Coal Bunkers, has not been included.

e.—Vessels arriving and departing in Ballast are not necessarily exempt from the payment of Tonnage Dues; but vessels entering the port for repairs, whether in ballast or laden, are to be exempted

from the payment of Tonnage Dues in accordance with the 31st Article of the Prussian Treaty, provided they do not dispose of any of the cargo that was on board on arrival, and do not take away additional cargo when departing. Such vessels, however, ought to be reported as for repairs on arrival, and their cargoes, if required to be landed, must be placed under the surveillance of the Customs.

3.—*Exemption Certificates* and *Export Duty Proofs*: must not be issued except to vessels clearing for Chinese Ports, and ought in every instance to have the name of the vessel, to which issued, clearly written on them. They are not to be issued to vessels clearing for Hongkong, which is a Foreign port, and they are only to be received and respected when handed in by the vessel for which originally issued—except when the goods to which they refer have been transhipped at a Treaty Port, in which case the words “Transhipped from (name of original vessel) to (name of second vessel)” ought to be written on the face of the original certificate, and that document sent forward by the second vessel.

4.—*Munitions of War* (with the exception of Sulphur, Saltpetre, Brimstone, and Spelter, for which the Tariff Rule V. prescribes special treatment) are not to be imported or exported save at the written requisition of a Governor or Governor General (in which case the authority ought to be countersealed by the Superintendent of Customs) or of the Imperial Commissioner. The authorities at Peking are astonished to find Foreign pistols exposed for sale in the streets, and a Despatch just received from His Highness Prince Kung, animadverts strongly on the negligence of the Customs, to which H. H. attributes the appearance of such weapons at the capital.

5.—*Hongkong* is a Foreign port; on merchandise arriving from it a full Import Duty is to be levied, even when that merchandise is obviously a production of China. Goods shipped at Hongkong are held to have changed their origin; and when a ship clears for Hongkong, her cargo is to be regarded as about to go to a *bona fide* Foreign port.*

I am, etc.,

(signed) ROBERT HART,
I.G.

*Hart to Hannen, I.G. despatch No. 6 to Chefoo, 9th August 1864: “It was decided in the autumn of 1861 at an interview His Excellency the British Minister had with the members of the Tsungli Yamén that merchandise shipped at Hongkong should be treated on arrival at a treaty port as of foreign origin, and charged full import duty.”

CIRCULAR No. 3 OF 1865 (FIRST SERIES).

**Confiscation Reports, Quarterly Accounts, Annual Returns
of Trade, Annual Reports on Trade; general
instructions respecting.**

INSPECTORATE GENERAL OF CUSTOMS,
CANTON, 6th January, 1865.

SIR,

1.—Commencing with the current quarter, it will be your duty to comply with the following instructions until further notice.

2.—*Accounts.*

a.—The Chinese version of the Confiscation Account is to be sent to me in duplicate; it must be made out on paper of the same size as, and in accordance with, the form with which you were furnished in my Circular No. 5 of 1864.

b.—Confiscation monies are not to be made use of by you for any purpose whatever, without the express written sanction of myself, save and except in the payment of the necessary expenses attending seizures—such as gratuities to spies for information, hire of boats, etc. The balance in hand at the end of each quarter, you will have the goodness, unless otherwise instructed, to remit to the Oriental Bank Corporation [Shanghai or Hongkong] to be placed to the credit of my Account *B*.

c.—In forwarding the Quarterly Accounts, you will please to use envelopes large enough to contain the Chinese documents they enclose in their original size and folds: it disfigures the Chinese versions to refold or crumple them.

d.—With regard to the sums to be, from time to time, sent to the Bank, that which forms portion of the money drawn from the Superintendent for Office Expenditure, is to be forwarded monthly to be placed to the credit of my Account *A*. The Confiscation Balance is to be forwarded quarterly, to be placed to the credit of my Account *B*. The Tonnage Dues' Tenth is to be forwarded quarterly, to be placed to the credit of Account *C*.

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4.—The Annual Returns of Trade as directed by Circular No. 9 of 1864, are to be sent for publication to the Commissioner at Shanghai. In addition, it will be the duty of each Commissioner to address to the Inspector General, an *annual report on the trade* of his port. These reports ought to be dated the 31st January, and, as they are intended to be published, you will please to make them as correct and as interesting as you possibly can. If you have not already done so, you will be good enough to supply me with a report on the trade of your port during the year that has just expired.

I am, etc.,

(signed) ROBERT HART,

I.G.

CIRCULAR No. 9 OF 1865 (FIRST SERIES).

Prevention of Smuggling, Yamên exhorts Commissioners to increased diligence and activity in the.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 26th September, 1865.

SIR,

1.—I enclose for your information and guidance, copy of instructions recently issued to me by the Tsung-li Yamên, for communication to the various Commissioners of Customs. Therefrom you will learn, that, in order to the protection of the Revenue, and the reform of abuses, you are to be more than ever diligent in the performance of that part of your duty to which the instructions specially refer; you are to be prompt in seizing, and subjecting to the appropriate penalties, merchandise that has evaded payment of duties, vessels that repair to ports not open to trade, or which traffic

in munitions-of-war, and Chinese guard-boats engaged in smuggling operations or convoying smugglers; the parties implicated in such malpractices are to be handed to the proper authorities to be rigorously dealt with, and the Tidewaiters and out-door executive generally, are to be subjected to such supervision and restraint as shall prevent them from making an improper use of their position, whether by the exercise of harshness or by undue leniency from interested motives.

2.—You will take note in particular of the reference made to Chinese guard-boats.

3.—The instructions, in the Chinese, are somewhat vaguely worded, and might lead the inexperienced into the initiation of a kind of action certain to be productive of difficulties and embarrassments. I therefore supplement them with this explanation:—in the steps that you take for the protection of the revenue, and reform of abuses, you can depend upon the Yamên's hearty support, provided your action does not contravene the Treaty stipulations by which China is bound to observe a fixed line of conduct towards Foreign Powers and their subjects.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 10 OF 1865 (FIRST SERIES).

French Vessels, Tonnage dues payable by.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 26th September, 1865.

SIR,

1.—I have been instructed to inform you, in continuation of my Circular No. 7 of 1863, that the negotiations between the Governments of France and China, having reference to the 22d

Article of the French Treaty, have been brought to a conclusion. The article in question has virtually been done away with, and for it another has been substituted, with the sense of which—the text not having as yet been communicated to me—I have to acquaint you for your guidance.

2.—French vessels at the Treaty ports on breaking bulk, or after having been two days in port, are liable for Tonnage Dues. Trading from one port to another in China, or from China to the French ports in Cochin China, the open ports in Japan, and Hongkong, French vessels are to run, under a Four months' Special Tonnage Certificate, and are to be treated in precisely the same manner as those vessels to which the second clause of the 29th Article of the British Treaty applies.

3.—Cargo-boats, etc., carrying dutiable Articles, are to pay Tonnage Dues once every Four months at the rate of one mace per Register Ton [*vide* Art. XXXI., British Treaty].

4.—Junks and other Chinese craft, freighted or chartered by French Merchants, are likewise to pay Tonnage Dues once every four months, at the rate of one mace per ton.

5.—Junks and other Chinese craft, owned or chartered by French Merchants, on the Yangtsze, are to be dealt with according to the provisions of Art. VI. of the Yang-tsze Revised Regulations.

6.—The changes above notified will come into effect at Ningpo, and all ports to the North of Ningpo, on the 15th October, and at the ports to the South, in Fuhkien and Kwangtung, on the 1st November.

7.—The new rule, as regards Japan and Cochin China, will affect vessels arriving on or after the dates in question, as well as those in port already provided with special Tonnage Certificates; to the vessels of the other Treaty Powers the same privileges will accrue under the "most-favoured-nation" clause.

I am, etc.,

(signed) ROBERT HART,

I.G.

CIRCULAR No. 1 OF 1866 (FIRST SERIES).

**Indemnities to England and France, final payments
how to be made.**INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 26th January, 1866.

SIR,

1.—In accordance with the directions of the Tsung-li Yamên, I have to issue for your guidance the instructions contained in this Circular.

2.—The sums payable to England and France, on account of Indemnity (Tls. 8,000,000 to each), have, as you are aware, been issued in quarterly instalments since the 1st October, 1860. On the 31st December, 1865, the balance remaining unpaid was estimated at about Tls. 250,000, and, it having then become necessary to make arrangements for final settlement, the Yamên communicated with the British Minister and the French Chargé d'affaires, who acceded to the propositions laid before them.

3.—The Ports of Niuchuang, Tientsin, Chefoo, Kiukiang, Chinkiang, Ningpo, Tamsuy, Takow, Amoy, and Swatow, will not be called upon to make any further payments on account of the present Indemnity. The last quota to be issued by them was that due for the quarter ending 31st December, 1865.

4.—The sum at which the balance payable to each Government is estimated, namely Tls. 250,000, is to be paid by the Shanghai, Foochow, Hankow, and Canton offices, in the following proportions, on the following dates, and in the following manner:—

31st March, Canton to pay Tls. 15,000 to each Government					
	Hankow	„	„	20,000	„ „
	Foochow	„	„	40,000	„ „
	Shanghai	„	„	50,000	„ „
30th June, Canton „ „ 15,000 „ „					
	Hankow	„	„	20,000	„ „
	Foochow	„	„	40,000	„ „
	Shanghai	„	„	50,000	„ „

—either *minus* such sum as the present estimated amount (Tls. 250,000) may be found to exceed the actual balance due, or *plus* such sum as it may prove less than that balance.

5.—It will not be necessary for the Consuls to meet the Superintendents at the offices to make any examination of the accounts in future.

6.—Separate instructions will be issued to and through the Superintendent at Shanghai respecting the final payment to be there made in June, as soon as it can be ascertained what that final payment ought to be.

7.—In their quarterly returns for the March and June quarters, 1866, the Shanghai, Foochow, Hankow and Canton offices will leave a blank opposite item 4, Schedule *B.*, and opposite items 5 and 6 they will enter the amounts payable as explained in paragraph 4 of this Circular; corresponding alterations will, of course, be necessary in the Chinese versions of the Returns.

8.—An Imperial Edict has been issued directing the Customs at each Treaty Port to transmit quarterly to Peking four-tenths of the Import, Export, and Opium Duties. This arrangement will take effect at each port commencing with the quarter subsequent to that which, at the port in question, witnessed the final Indemnity payments.

9.—The Niuchuang, Tientsin, Chefoo, Chinkiang, Kiukiang, Ningpo, Tamsuy, Takow, Amoy, and Swatow offices, in their returns for the March and each succeeding quarter, will altogether omit items 6 and 7, and will change the form in respect of items 4 and 5, under Schedule *B.*, in the following manner:—

4.—Total liable to Peking four-tenths deduction Tls.

5.—To be transmitted to Peking Tls.

The said offices will likewise append to the Returns (English and Chinese) for the March quarter, a note stating the sum total paid, from first to last, by that office to each country (England and France) on account of Indemnity.

10.—In the same way the Shanghai, Foochow, Hankow, and Canton offices, commencing from the September quarter, will make the omissions and alterations in the Quarterly Returns, that are to be made by the other offices commencing with the current quarter as explained in section nine.

11.—In the English versions of the Returns, both of Collections and of Confiscations, you will in future please to leave such a margin as is exhibited in this Circular, so as to make it possible to bind the Returns annually.

12.—Immediately on the receipt of this Circular, you will obtain from the Superintendent the receipts handed to him for sums paid on Indemnity account by the English and French Authorities. You will have copies made of those in duplicate, to the correctness of which you will request *the Consul concerned to certify, by affixing his seal and signature*. One copy you will hand to the Superintendent to be, by him, transmitted to Peking, and the other copy you will send to me when acknowledging the receipt of this Circular. The original receipt is to be returned to the Superintendent to be deposited in his Yamên. It is of importance that these true copies of receipts should arrive at Peking, before the end of May. The Canton, Foochow, Tientsin, and Shanghai offices will be careful to send copies of the receipts lodged with the Superintendents for payments made at those ports on account of other offices.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 4 OF 1866 (FIRST SERIES).

**Inspector General going on leave, special instructions
in consequence of.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *20th February*, 1866.

SIR,

1.—I have to inform you that I have been permitted by the Tsung-li Yamên to absent myself from China for a few months, and that I purpose to take my departure from Hongkong about the end of March, where I hope to again be before the end of October.

2.—In consideration of the shortness of the period for which leave is granted, the Yamên has resolved to refrain from appointing any one to officiate as Inspector General during my absence.

3.—The existence of two *Tung Shang ta-ch'en*, High Officers for the superintendence of Foreign trade, and the general nature of the business transacted by the offices of Customs, point naturally to two centres—Shanghai and Tientsin, to which reference can be made, and through and from which, temporarily at least, communications can be received without much inconvenience. The Yamèn has accordingly authorised me to charge the Commissioners of Customs at the ports in question, with a general supervision of the offices controlled by the *Tung Shang ta-ch'en* respectively.

4.—The various offices of Customs will continue to forward to my address at Peking the usual Monthly and Quarterly Reports and Returns, as also Despatches having reference to current business of such a kind as it has hitherto been customary to write, and more especially those notifying the remittance of funds to my several accounts with the Oriental Bank Corporation at Hongkong and Shanghai.

5.—The Canton, Swatow, Amoy, Takow, Tamsuy, Foochow, Ningpo, Chinkiang, Kiukiang, and Hankow offices, will be under the general superintendence of the Commissioner at Shanghai, during the period in question, and, in the event of any of the offices enumerated finding it impossible to arrange its own business on the spot, it will be the duty of the Commissioner concerned to report the circumstances to the Commissioner at Shanghai, who will give such advice and instructions as may seem called for, and such advice or instructions are to be attended to, as though emanating directly from myself.

6.—The Niuchuang and Chefoo offices will similarly be under the general superintendence of the Commissioner at Tientsin, to whom they will report, and whose instructions they will take, just as provided for by the preceding paragraph in the case of the Southern Ports.

7.—The number of years during which the various offices have now been in existence, and the knowledge of affairs possessed by the Officers in charge of them, lead me to hope, however, that it will be found possible to carry on the business of the port, and to settle locally and according to existing precedents, such questions as may arise. The Treaties and the Customs' Regulations, supplemented by the many carefully written, and explicit, Circulars and Despatches which have left the Inspectorate General during the last five years, and having as their complement the precedents established by the settlement of many disputed points, will enable whoever is at the trouble to make himself acquainted with them,

to take proper action even when met by complications of a novel kind, and under circumstances of an exceptional character. I again call attention to my Circular No. 8 of 1864, in writing which I had mainly three objects in view: 1°, to impress upon all the necessity of remembering that they are Chinese employés, and not Foreign officials, and that they must not forget that fact in their intercourse with the Chinese authorities; 2°, to point out the expediency and propriety of maintaining friendly relations with Consuls and other foreign officials; and 3°, to insist upon the fact that, while the greatest pains are to be taken to collect every cash of revenue to which China is entitled, the action by which the Foreign Inspectorate can most add to the Chinese Revenue, is that in which is displayed a desire to further mercantile interests, and not a spirit of antagonism to merchants. In the means which I advised to be adopted to secure the ends referred to, I gave frankly and fully the best advice that my experience enabled me to afford; I am well aware that, in some respects, the criticism evoked by my remarks showed that, by some, different views were held, but of this I am more than ever convinced, that the general line of conduct advised to be pursued in that Circular is the one that will best serve the interests of the Chinese Government, will tend most to further mercantile interests, and will be the most likely to secure the continuance and prosperity of our Service, as well as to develop whatever germs of usefulness it contains, and afford a fair field for talent and safe opportunities for its exercise.

8.—During my absence from China no Commissioner is to leave his post, neither is leave of absence to be granted to any Clerk, Linguist, or Tide-Surveyor, no matter for however short a time, save under circumstances of extreme necessity—as, for instance, when it may be certified by a duly qualified Medical man, that not to grant such leave of absence will endanger the life of the individual concerned.

9.—You will have the goodness to inform the Clerks in your office, that, on my return from Europe, when making my first tour of inspection, I shall, by personal examination, inform myself of the acquaintance possessed by each with Customs' business generally, with Treaties and Treaty questions, with the Chinese Language, both written and spoken, and with other Chinese matters, a knowledge of which ought to be possessed by any one who expects advancement in a Chinese Service.

10.—In conclusion, I take advantage of this opportunity to express to yourself my appreciation of the general services rendered

by you in the positions you have occupied in the Customs, and to request that you will convey to the members of your establishment the expression of my cordial satisfaction with the manner in which each has performed his share of those duties, the satisfactory performance of which by all has led to results with which I am perfectly contented. Some individual members of our Service have naturally distinguished themselves more than others; but whether such fact is attributable to their having enjoyed opportunities which did not present themselves to others, or to their possessing talents and energy with which others have not been gifted, I need not attempt to determine. Where all have done well, it is unnecessary to make mention of those who have been enabled to render services of a more brilliant kind, the more especially, as it is my desire on this occasion to express my general satisfaction with the improving condition, and increasingly important results accruing from the working of the Service, with the development of which I have been so much connected during the last five years. That the Chinese Government is equally satisfied with the general working of the service and the results already obtained, is made sufficiently evident by the fact, that, a month ago, the Tsung-li Yamên, in a Memorial reporting the approaching final payment on account of the English and French Indemnities, proposed to the Throne the continuance of the Foreign Inspectorate, and that the Decree issued in reply, conveyed the Imperial approval of the proposal.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 8 OF 1866 (FIRST SERIES).

Inspector General, Mr. G. H. Fitz-Roy appointed to act as.

OFFICE OF MARITIME CUSTOMS,
SHANGHAI, *April 27th*, 1866.

SIR,

I have the honour to inform you that I have this day received a Despatch from the Tsung-li Yamên, dated on the 9th instant,

notifying that, in consequence of a communication from Mr. Hart written on the eve of his departure for Europe, the Foreign Board had appointed me Acting Inspector General of Customs during the absence on leave of Mr. Hart.

I have, etc.,

(signed) G. H. FITZ-ROY,
Acting Inspector General.

CIRCULAR No. 12 OF 1866 (FIRST SERIES).

**Tariff Provisions not to be departed from without previous
report to Inspector General, and embodiment of
proposed change in a general rule.**

OFFICE OF MARITIME CUSTOMS,
SHANGHAI, *August 16th*, 1866.

SIR,

Instances having recently occurred, in which a departure from the Tariff has been sanctioned by the local Customs' authorities without the previous assent of the Tsung-li Yamèn, and considerable inconvenience having been caused to the Foreign and Native Merchants by the summary withdrawal of a privilege granted locally when circumstances have subsequently called the attention of the Board to the relaxation of Treaty involved, I have to desire that in future, whenever it may be deemed expedient to depart from the Tariff, you will in the first instance report to the Inspector General the reasons which may influence you to advise such a course, so that, should a privilege be granted, a regulation may be established regularly, and the Duties collected uniformly, at all the Ports open to Foreign trade in China.

I have, etc.,

(signed) G. H. FITZ-ROY,
Actg. I.G.

CIRCULAR No. 3 OF 1867 (FIRST SERIES).

Pilotage Regulations, enclosing copy of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 26th April, 1867.

SIR,

1.—I forward for your information and guidance, in Chinese, French and English, the Pilotage Regulations, which, notified by the Tsung-li Yamên to, and accepted by, Their Excellencies, the Foreign Representatives at Peking, are to be enforced at the open ports generally.

2.—In a separate Despatch you will find instructions relative to the steps to be taken by you, to give effect to the regulations now enacted.

I am, etc.,

(signed) ROBERT HART,
I.G.

程 章 水 引

REGLEMENT SUR LE SERVICE DU PILOTAGE.

CHINESE PILOTAGE REGULATIONS.

時	之	引	總	事	約	明	由	水	各	有	一
一	處	水	局	官	同	該	理	之	口	定	引
律	商	若	將	並	各	口	船	人	應	額	水
增	定	干	應	通	國	情	廳	應	用	也	者
減	隨	名	派	商	領	形	勘	先	引	凡	宜

1.—Le nombre des Pilotes sera fixé dans chacun des ports ouverts au commerce par le Capitaine du Port d'accord avec les Consuls des "Treaty Powers" et sur l'avis des chambres de commerce. Suivant les circonstances, ce nombre pourra être augmenté ou diminué de la même manière.

1.—*Number of Pilots: how to be determined.*—The number of Pilots to be licensed at each Port shall be determined by the Harbour Master, in consultation with the Consuls and Chambers of Commerce, and be increased or diminished as required by circumstances.

充 補	口 之 分 章 揀 選	定 之 章 程 並 本	考 選 局 按 照 現	有 缺 出 即 應 由	一 體 充 當 惟 遇	引 水 者 均 准 其	國 之 民 有 欲 充	民 及 有 條 約 各	其 招 募 也 凡 華	一 引 水 者 宜 寬
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2.—Tout étranger, de même que tout Chinois, sans distinction de nationalité, pourra, en cas de vacances, être nommé Pilote par le "Board of Appointment," en se conformant au présent Règlement Général et aux Règlements spéciaux qui seront publiés en conséquence dans chacun des ports ouverts.

2.—*Pilots: individuals eligible.*—The subjects, citizens, or protégés of Treaty Powers shall, equally with natives of China, and without distinction of nationality, be eligible for appointment when vacancies occur, by the Board of Appointment, subject to the General Regulations now issued, and the Bye-laws to be under them enforced at the several ports respectively.

理	人 督 同 引 水 董 事 辦	所 錄 之 人 中 簽 掣 二	缺 出 即 由 理 船 廳 於	考 選 之 事 俟 有 引 水	預 爲 錄 示 以 資 幫 辦	明 理 船 廳 將 其 姓 名	船 工 或 曾 作 引 水 報	各 揀 送 一 人 或 已 作	所 及 外 海 輪 船 公 所	年 夏 間 應 由 保 險 公	局 也 凡 通 商 口 岸 每	一 各 口 宜 立 有 考 選
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3.—Le "Board of Appointment" se composera du Capitaine du Port, Président, du plus ancien Pilote de la localité et de deux examinateurs tirés au sort sur une liste ainsi composée:

Au mois de Juin de chaque année, les agents des diverses compagnies d'assurance, et ceux des compagnies de Steamers désigneront chacun une personne compétente, étant ou ayant été Pilote ou capitaine de navire. La liste en sera dressée par le Capitaine du Port et publiée.

3.—*Board of Appointment: how to be constructed.*—The Board of Appointment shall consist of the Harbour Master, as President, the senior Pilot, and two persons whose names shall be drawn by lot, by the Harbour Master, from a list prepared as follows, viz.:—

In the month of June each year, the Agents of Insurance Offices and of Ocean-Mail Steamship Lines, shall each choose one person (being or having been a Pilot or Ship-master) for the duty, and shall forward his name to the Harbour Master, by whom the list will then be arranged and published.

均不准濫膺赴考	官保結者此二項人	未充引水而無本國	因事故而斥革者或	者其中有曾充引水	局會齊考試倘備考	水以八日後由考選	理船廳榜示招募引	慎也凡有缺出應由	一考選引水之人宜
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4.—Toutes les fois qu'il se présentera une vacance dans le nombre des Pilotes, elle sera annoncée dans les journaux, et huit jours après le "Board of Appointment," se réunira pour examiner les candidats qui se présenteront.

Le "Board of Appointment" ne pourra refuser d'admettre à l'examen que les Pilotes destitués, ou les candidats qui ne présenteraient pas un certificat de bonne vie et mœurs délivré par la chancellerie du Consulat dans lequel ils sont immatriculés.

4.—*Vacancies: how to be filled up.*—Whenever there may be a vacancy among the Pilots, it shall be duly notified in the local prints; and eight days afterwards, the Board of Appointment shall proceed to fill it up by a competitive examination.

The Board may refuse to admit to the examination any one who, having once been a Licensed Pilot, has had his Licence withdrawn, and also any candidate who is unable to produce Consular certificates as to character, etc.

誤	毋用以免貽	領亦甯闕而	非有實在本	引水之事仍	最優使其於	備試中雖爲	爲入選然在	其最優者以	於衆人中擇	衆秉公考試	考選局應合	有規費等項	試者勿庸納	定程也凡備	一考選宜有
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5.—L'examen sera public et gratuit. Les places vacantes seront données aux concurrents, suivant l'ordre de leur mérite, sans aucune distinction de nationalité, pourvu toujours que la capacité des premiers sur la liste soit absolue et non pas relative.

5.—*Examinations to be competitive.*—The examinations shall be public and gratuitous, and the vacancies shall be given to the most competent among the Candidates, without distinction of nationality: provided always the competency of the first on the list be not relative but absolute.

據	之	引	華	字	水	方	由	應	派	也	宜	一
呈	官	水	民	據	字	官	稅	赴	充	凡	發	充
驗	處	赴	應	者	據	發	司	稅	引	考	給	引
挂	將	本	令	如	請	給	代	務	水	選	執	水
號	字	國	該	非	領	引	地	司	者	局	據	者

6.—Les Licences de Pilote seront délivrées au nom du Gouvernement chinois par le Commissaire des Douanes. Les Licences des Pilotes étrangers seront visées et enregistrées à la chancellerie du Consulat où le porteur est immatriculé.

6.—*Pilots' Licences: by whom to be issued.*—Pilots' Licences shall be issued by the Commissioner of Customs in the name, and on behalf, of the Chinese Government. Licences issued to Pilots not being natives of China shall subsequently be *viséd* and registered at the Consulate concerned.

船	引	者	然	照	領	學	明	赴	徒	准	據	也	者	一
出	水	仍	此	方	學	徒	並	理	一	其	之	凡	宜	引
進	遠	不	等	准	徒	之	願	船	名	各	引	已	有	水
	行	准	學	攜	之	人	保	廳	須	帶	水	領	定	學
	引	代	徒	帶	專	請	其	報	先	學	應	字	制	徒

7.—Chaque Pilote pourra entretenir auprès de lui un aspirant Pilote pour apprendre le métier. Mais l'aspirant Pilote ne pourra suppléer son patron dans la conduite des navires. Il sera muni d'une Licence spéciale délivrée par le Capitaine du Port, sur la demande et sur la responsabilité du patron.

7.—*Apprentice-Pilots: how to be taken.*—It shall be allowable for each Licensed Pilot to take an Apprentice, for whom he shall be responsible. On the application of Pilots, the Harbour Master will supply Apprentices with special certificates, but such Apprentices shall not be competent to act for the Master-pilots in piloting ships.

一凡引水宜聽制於理船
 廳也凡領有引水字據者
 或係獨作引船之事或係
 公同作引船之事均屬可
 行惟俱歸理船廳管理諭
 示一切皆須一體遵守奉
 行倘有違背總章分章以
 及不遵理船廳示諭之處
 或罰以銀兩或暫撤執據
 或將執據撤銷皆由理船
 廳辦理惟撤銷執據一層
 須申詳總稅務司核實割
 覆方可施行

8.—Les Pilotes munis de Licences sont libres d'exercer leur métier, seuls, ou de se former en compagnie. Mais ils doivent obéissance au Capitaine du Port, sous l'autorité duquel ils sont placés, et qui a le droit de leur infliger des punitions administratives pour manquements aux règlements établis.

Ces punitions seront: l'amende, la suspension pendant un temps déterminé, et le retrait de la Licence. Cette dernière punition sera subordonnée à la ratification de l'Inspecteur Général des Douanes.

8.—*Licensed Pilots: to whom subordinated.*—Licensed Pilots may carry on their business either singly or in companies. They must pay due respect to the wishes and instructions of the Harbour Master under whose orders and control they are placed, and who is invested with disciplinary powers in view of infractions of established rules.

The administrative penalties to be enforced by the Harbour Master are Fines, Temporary suspension from duty, and, subject to the confirmation of the Inspector General of Customs, Withdrawal of Licence.

一各口分章宜定擬也
 凡各口應定之分章及
 定明引水之界限並引
 水各費一切事宜均應
 由理船廳準情酌理妥
 爲擬訂所擬之章固應
 知會各國領事然其准
 否施行仍候京中大憲
 割飭方能照辦亦可隨
 時一體增減改撤

9.—Le Capitaine du Port sera chargé de faire tous les règlements qui lui paraîtront nécessaires pour assurer le service régulier du pilotage, fixer les limites du "Pilotage ground," et les tarifs des droits de Pilotage. Ces règlements devront être communiqués aux Consuls, et ne seront mis en vigueur qu'après ratification des Autorités de Pékin. Ils seront modifiés, le cas échéant, de la même manière.

9.—*Local Rules and Bye-Laws: by whom to be drawn up.*—Bye-Laws and Rules necessary for the better ordering of Pilotage matters at the Ports, are to be drawn up by the Harbour Masters, with whom also it rests to define the limits of the Pilotage Ground, and fix the Tariff of Charges. Such Bye-Laws are to be communicated to the Consuls, but shall not be enforced locally until approved of by the Authorities at Peking. They may subsequently be added to, altered, or annulled, in the same manner.

罪	會該國官照例治	銷辦理外亦應知	船廳將其字據撤	借與他人除由理	凡領有字據者而	照其本國例治罪	廳知會其該國官	人字據應由理船	據者或係假借他	引船而無引水字	有罰章也凡查出	一引水之事宜立
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10.—Tout individu qui pilotera un navire sans avoir Licence de Pilote, ou qui se servirait frauduleusement de la Licence d'un autre Pilote, sera traduit devant le tribunal dont il relève, et puni suivant les lois de son pays;—sera pareillement poursuivi et puni le Pilote qui aura prêté sa Licence, laquelle lui sera de plus retirée.

10.—*Unlicensed Piloting: Lending of Licence: how to be punished.*—Any one piloting without a Licence, or making use of another's Licence, shall be subject to prosecution before his own Authorities, who will deal with the Offender in accordance with the laws of his country. Any Pilot lending his Licence to another will be proceeded against and dealt with in the same way, in addition to forfeiting his Licence.

罪	該國官照例治	銷外亦應知會	除將其字據撤	果係引水之咎	選局會勘情形	有疎虞應由考	引水在船者遇	凡船隻進出有	虞宜行查辦也	一船隻若有疎
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11.—Dans le cas où un accident arriverait à un navire, ayant un Pilote à bord, le “ Board of Appointment ” sera constitué en conseil d'enquête pour juger le dit Pilote. Si la sentence lui est défavorable, sa Licence lui sera retirée, et il sera traduit devant le Tribunal dont il relève pour être puni conformément aux lois de son pays.

11.—*Vessels damaged with Pilots on board:—inquiry to be instituted.*—The Board of Appointment shall make due inquiry into all accidents occurring to ships having pilots on board. Whenever the result of the inquiry proves unfavorable to the Pilot, the Board may withdraw his Licence, and hand him to the Authorities to whom he is amenable, to be dealt with as prescribed by law.

水	望	理	界	水	或	半	明	發	水	應	一
船	樓	船	限	果	存	黃	於	給	手	由	引
即	運	廳	內	遵	於	色	船	號	姓	該	水
應	取	派	任	照	領	下	尾	照	名	引	船
任	應	人	便	各	事	半	及	後	開	水	隻
爲	用	在	往	節	署	綠	篷	須	具	將	亦
使	物	其	來	方	內	色	上	將	清	引	宜
用	件	界	並	准	或	該	其	水	單	水	有
	一	限	免	該	存	船	旗	船	一	名	定
	有	內	完	船	稅	原	須	字	併	船	章
	船	往	納	在	司	有	挂	樣	呈	式	也
	廳	來	船	本	處	之	四	第	報	大	凡
	吩	或	鈔	口	皆	本	方	幾	由	小	引
	咐	號	倘	及	可	國	之	號	理	及	水
	其	船	稅	引	該	牌	式	書	船	該	之
	引	及	司	水	引	照	上		廳	船	船

12.—Les bateaux Pilotes et leur équipage seront enregistrés à la Capitainerie du Port, qui leur délivrera un certificat et un numéro. Ce numéro et les mots “ Licensed Pilot-boat ” seront inscrits en grosses lettres à la poupe et en tête de la grand voile. Ils porteront un pavillon dont la partie supérieure sera jaune et l'inférieure verte. Ils seront exempts de droits de tonnage; leurs papiers de bord seront déposés au Consulat dont ils relèvent ou à la Douane, et ils pourront circuler à leur gré, sans permission préalable, dans les limites du “ Pilot Ground.” Ils seront tenus d'obéir aux réquisitions du Capitaine du Port ou de ses agents, pour transporter en-dedans des dites limites les employés ou des Douanes ou de la Capitainerie, aussi bien que les provisions, etc., qui seraient nécessaires pour le service des Phares ou des Bateaux-feu.

12.—*Pilot-Boats: Regulations to be observed.*—Pilot-Boats shall be registered with their crews at the Harbour Master's Office, where each boat will be given a certificate and number. The words "Licensed Pilot-Boat" shall, with the number, be legibly painted at the Stern and on the head of the Mainsail, and a flag, of which the upper horizontal half shall be yellow, and the lower green, shall be flown. Such registered Pilot-boats shall deposit their national papers with their Consul or the Customs; they shall be at liberty to move freely within the limits of the port and pilotage ground, and shall be exempt from Tonnage Dues. On the requisition of the Harbour Master or his deputies, it will be obligatory on registered Pilot-boats to convey from place to place within the limits employés belonging to either Customs' or Harbour Master's Departments, with such stores as may be wanted for either Light-Houses or Light-ships.

酌	水	兩	其	應	引	水	日	咎	他	水	章	一
核	務	船	應	即	之	船	賠	卽	處	者	辦	引
	者	各	賠	令	船	隻	償	應	事	爲	理	船
	爲	邀	之	彼	遇	若	銀	由	非	遠	也	疎
	之	一	數	船	有	傍	五	該	引	船	凡	虞
	秉	熟	應	賠	傷	靠	兩	船	水	帶	有	宜
	公	悉	由	償	碰	所	引	按	之	往	引	定

13.—Si un Pilote est conduit au-delà des limites du "Pilot Ground"—sans qu'il y ait de sa faute, il aura droit à une indemnité de cinq Taels par jour. Dans le cas où sa chaloupe sera avariée ou perdue pendant qu'il est à bord d'un navire, ce navire aura à l'indemniser à dire d'experts choisis, l'un par le Pilote, l'autre par le Capitaine du bâtiment.

13.—*Pilots' losses: compensation how to be made.*—Any Pilot carried off from the Pilot ground—the fault not being his own—shall be entitled to compensation at the rate of five Taels *per diem*. Any damage sustained by a Pilot-boat while alongside the ship piloted, shall be made good by such ship: the damage to be assessed by two competent persons, one to be chosen by the Pilot, and the other by the Master of the ship concerned.

準	其	理	事	水	有	行	船	成	之	水	成	費	一
	酌	船	應	深	爭	備	事	經	費	者	也	宜	引
	斷	應	稟	淺	論	送	務	紀	應	應	凡	有	水
	爲	憑	明	之	喫	倘	之	該	責	得	引	責	各

14.—Les consignataires sont responsables des droits de Pilotage.

Toute discussion au sujet du tirant d'eau des navires pilotés, sera jugée sans appel par le Capitaine du Port.

14.—*Pilotage charges: parties liable.*—Consignees are responsible for all Pilotage fees and charges.

Disputes relative to draught of water shall be referred to the Harbour Master, whose decision shall be final.

數 爲 斷	應 依 引 船 最 遠 之	經 費 其 經 費 若 干	引 水 局 索 取 引 水	船 廳 向 該 經 紀 代	船 不 用 者 即 由 理	有 引 水 之 人 而 該	引 其 進 出 若 該 口	之 引 水 須 用 引 水	該 口 有 請 領 字 據	船 火 輪 船 出 進 若	之 章 也 凡 有 夾 板	一 各 船 應 有 索 費
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15.—Tous les bâtiments à voile ou à vapeur, entrant dans les Ports dans lesquels il y a des Pilotes ou en sortant, sont tenus d'employer les dits Pilotes pour l'entrée et pour la sortie. Le Capitaine du Port, dans l'intérêt de la corporation des Pilotes, est autorisé à recouvrir chez les consignataires de tout navire entrant ou sortant sans avoir un Pilote, la plus forte somme qui pourrait être imposée d'après le tarif et en raison du tirant d'eau.

15.—*Pilotage Charges: payment obligatory.*—It shall be obligatory on all Ships and Steamers arriving at or departing from ports at which there are Pilots, to employ Pilots coming in and going out. The Harbour Master on behalf of the Pilot body, is empowered to recover from the consignees of any ship arriving or departing without a Pilot the highest amount chargeable under the Pilotage Tariff, according to the draught of water.

ROBERT HART,

Inspector General of Imperial Maritime Customs.

PEKING, 22nd April, 1867.

CIRCULAR No. 4 OF 1867 (FIRST SERIES).

**Passengers' Luggage, Duty-Free Goods, Steam Tugs,
enclosing Rules concerning.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *26th April*, 1867.

SIR,

1.—I enclose for your information and guidance, in Chinese and English, three Rules relative to Passengers' Luggage, Duty Free Goods, and Steam-Tugs, which Their Excellencies the Foreign Representatives at Peking are about to make public, at the instance of the Tsung-li Yamên.

2.—The object with which these Rules have been drawn up for notification, is not so much to authorize the Customs to adopt a course of action unlike that followed until now, as to make it generally known to the public, that the Chinese Revenue Administration, no matter of whom composed, has the right to do such and such things, and in the hope that they will serve to guide the public and prevent disputes.

3.—Passengers' Luggage may be examined, no matter to whom belonging—National Representatives always excepted,—but the Tidewaiters must not be permitted to take advantage of the existence of such a rule to institute vexatious searches, or cause uncalled for detention. The right to search luggage is one which ought to be acted upon as seldom as possible, and then only for good and sufficient reasons; the examination may take place on board if the owner of his own accord opens his boxes, but, in the event of his refusal to do so, the luggage must be taken to the Customs' Office, where, after the third day, it may be opened and examined, be the owner assenting or objecting, present or absent. Confiscation may be pronounced by the Customs, but the Consul alone—in the case of Treaty Powers—can impose or recover the fine.

4.—Duty-free goods differ from dutiable goods solely in that they pay no duty; in every other respect the two classes are on the same footing. Duty-free goods, like dutiable goods, must be manifested—cannot be removed from the ship before the issue of the "permit to open hatches"—and require permits to be shipped or discharged; further, packages said to contain duty-free goods are more proper subjects for Customs' examination and search than those stated to contain dutiable goods, for, once admitted that to report a case as containing duty-free goods entitles it to be passed

without further examination, and the widest possible door is at once opened for frauds on the revenue: the rule, therefore, is so worded as to place beyond all dispute the Customs' right to examine duty-free goods at the Customs' jetty.

5.—The rule defining the status and treatment of Steamers plying as Tugs will regularise that traffic, and, while confirming such vessels in the privileges and facilities they now enjoy, will strengthen the hands of the Customs' authorities at the ports where they ply.

On the receipt of the Consular Report, a Duty Memo. for Tonnage Dues ought at once to be issued to the Agent of the Steamer; the Tonnage Dues paid, the usual Tonnage Dues' Special Certificate ought to be issued, accompanied by a Steam Tug Certificate. The vessel may then ply freely in the port and its waters, and is to pay Tonnage Dues once in the four months. If about to go to another port, the Steam Tug Certificate must be surrendered, and the steamer must clear and report like any other merchant vessel.

Blank Steam Tug Certificates will be forwarded by the Shanghai Customs to the ports at which Tugs are known to ply.

I am, etc.,

(signed) ROBERT HART,
I.G.

PASSENGERS' LUGGAGE.

一凡有商船進口搭船之人客應俟扞子手上船方准將行李起岸倘有未遵應將該船艙工議罰以專責成若扞子手疑所起行李內有違禁漏稅物件該客人如願自行打開備查如不願查即由扞子手將該件扣留送該關稅務司限該客三日內赴關眼同開看如逾限不到徑由關上開驗倘查有或違禁或漏稅之物除將扣留之件全行入官另將該客議罰

Shipmasters become liable to a fine, if they allow any Passengers' Luggage to leave the Vessel before the arrival of a Tidewaiter on board.

Luggage, supposed to contain dutiable Goods, or articles of contraband, if not at once opened by the Owner for examination on board, may be detained and taken to the Custom-house; the Owner can there reclaim it, and be present when it is opened and examined. If not claimed within three days, the Customs will proceed with the examination.

The presence of dutiable or contraband Goods, subjects the Luggage to confiscation, and the Owner to a fine.

DUTY-FREE GOODS.

一凡有船進口除客人行李外倘裝有善後章程第二款所載免稅各物須俟該關發給開艙准單方准起出倘有未領准單之先自行起卸或已入撥船或已起上岸一經查出除將所起之件入官外另照條約明文罰該船艙工銀五百兩至各種免稅物件該船艙口單均須註明貨主亦須照納稅物件章程先請起貨下貨各准單並將該貨赴關遵驗方准分別入棧下船

Duty-free Goods are not to be discharged until after the issue of the '*Permit to open hatches.*' Any violation of this rule subjects the Master of the Ship to a fine of which the amount is fixed by Treaty, and renders the Goods liable to confiscation, whether already landed or merely placed in Cargo-boats alongside.

Duty-free Goods, whether imported or exported, are to be duly manifested; they are not to be shipped or discharged without the proper Permits (as in the case of dutiable Goods), and they must in every instance be taken to *the Customs' jetty* for examination.

STEAM-TUGS.

一通商各口凡有拖帶船隻之輪船應將船牌存領事官署內由領事行文報明係拖帶之輪船並無裝貨來往等事由該關將船名登簿後該船平常拖帶進出毋庸赴關稟明亦毋庸請領出口紅單倘欲赴通商別口仍須照條約定章赴關請領紅單赴領事官署內取回船牌若有此等拖帶輪船私赴別口未在原口領有紅單應將該船罰銀五百兩該船每四個月完納船鈔一次如有私帶貨物或偷漏稅餉一經查出除將貨物入官外應由關於拖帶簿內將其船名刪除嗣後須照條約明定洋船之例時行報關請領紅單辦理

The Registers of Steamers plying as Tugs should be deposited with the Consul. On receipt of a Consular report, certifying that the Steamer is to ply as a Tug and is not to engage in any carrying trade, the Customs will register the Steamer as such, upon and after which without report to or clearance from the Customs, the Steamer may come and go and move about at pleasure in the harbour and waters adjacent. If about to proceed to any other Treaty Port, such Steam-Tugs must clear from, and report at, the Customs, in the ordinary way, and, failing to do so, will be liable to a fine of Five Hundred Taels.

Tonnage Dues shall be payable by Steam-Tugs once every four months.

If discovered to be concerned in any smuggling transaction, or in the unauthorised transport of Cargo, the Goods will be confiscated, and the Steamer will no longer be regarded as a Tug, but will have to report at, and clear from, the Customs, on each future occasion of arrival in, or departure from the harbour.

CIRCULAR No. 5 OF 1867 (FIRST SERIES).

Flags to be used by Customs Vessels, enclosing drawing of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *26th April*, 1867.

SIR,

1.—I have to instruct you to direct all the Revenue Cruizers, Boats, and Hulks, belonging to the Office over which you preside, to fly a flag similar to that appended,* numbered one. The colours are to be green and yellow; the flag is to be longer than it is broad, and, at the staff, it is to be somewhat broader than at the end.

2.—The Boats and Hulks belonging to the Harbour Master's department, are to fly a flag similar to the drawing,* numbered 2: the colours also to be green and yellow, and the Chinese characters black, with the addition of a foul anchor in red at the outer end.

3.—No other flags are to be made use of, except for signalling purposes, by the boats and vessels referred to.

I am, etc.,

(signed) ROBERT HART,
I.G.

* Not appended.

CIRCULAR No. 10 OF 1867 (FIRST SERIES).

**Reporting of Ships, Manifests, Status of Hulks, provisions of
United States Treaty, regarding.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *19th July*, 1867.

SIR,

The 19th Article of the Treaty between the United States of America and China, provides that "whenever a merchant vessel shall cast anchor" in any of the open ports, "the supercargo, master, or consignee, shall, within forty-eight hours, deposit the ship's papers in the hands of the Consul, who shall cause to be

“communicated to the Superintendent of Customs a true report of
“the name and tonnage of such vessel, the number of her crew,
“and the nature of her cargo, which being done, he shall give a
“permit for her discharge; . . . and the Tonnage Dues shall
“be held due after the expiration of the said forty-eight hours.”

2.—The article quoted provides, in a general way, for Consular Report and Manifest.

3.—The language of the other Treaties is more exact in respect of report and manifest. The 37th Article of the British Treaty, for example, provides that “within twenty-four hours after arrival, the
“ship’s papers shall be lodged in the hands of the Consul, who
“will, within a further period of twenty-four hours, report to the
“Superintendent . . . If, owing to neglect on the part of the
“Master, the above rule is not complied with within forty-eight
“hours after the ship’s arrival, he shall be liable to a fine of fifty
“taels for every day’s delay; the total amount of penalty, however,
“shall not exceed two hundred taels. The Master will be responsible
“for the correctness of the manifest, which shall contain a full and
“true account of the particulars of the cargo on board. For pre-
“senting a false manifest, he will subject himself to a fine of five
“hundred taels.”

4.—The United States’ Treaty differs, then, from the British Treaty in this, that it does not enforce its stipulations by enacting that neglect to report his ship, and the exhibition of a false manifest, shall render the Master of the vessel liable to a fine. That clause of the 19th article which states that Tonnage Dues are due on the expiration of the said forty-eight hours, leaves room, however, for the inference, that, vague as are the words providing for report, that report ought to be made by the Consul to the Superintendent, within the forty-eight hours; and the 6th of the Tariff Rules provides that the term of forty-eight hours shall commence from the time a vessel comes within the limits of the port. When a vessel has cargo to discharge, the fact, that, in accordance with the same article, permission to discharge will only be given after report, would in itself seem to ensure attention to the rule, and provide against neglect and delay.

5.—Manifest is provided for by the stipulation, that the Consul shall cause to be communicated to the Superintendent “a true
“report of the nature of her cargo.”

6.—His Excellency Mr. Ward, the U.S. Minister, by whom the Treaty Ratifications were exchanged in 1859, writing from the

U.S. Legation at Macao, on the 12th December, 1859, to Mr. Perry, the U.S. Consul at Canton, and commenting upon the Custom House Regulations for Canton, says with reference to Manifests:—

“The second Rule requires that the Manifest to be reported to the Customs should contain the ‘nature of the cargo.’ This is adopting the very language of the Treaty, and, like the Treaty, should be so construed as to carry into effect the meaning and intention of the framers.

“To be more explicit in the requisition; to demand the numbers marked and contents of every box or package, would be requiring what could not be given in many cases, not necessary in others, and only embarrassing to the Captains of vessels; on the other hand, a mere vague and general report would defeat the object of the treaty and rule.

“I understand by the term ‘nature of the cargo’ *such description as will enable the Custom House Officials to regulate their conduct in affixing the duties, and, for this purpose, as full and ample a description as the Captain is able to give, should be given.* Without this full and definite report, that clause in the Treaty which was made for the protection of the revenue would be a nullity.”

7.—On the 14th November 1863, the U.S. Consul at Canton, by direction of H.E. the Hon. Anson Burlingame, U.S. Minister, issued a notification, which supplemented Mr. Ward’s explanation of the nature of a manifest, and provided a penalty for false manifest:—

“His Excellency having been in consultation with His Imperial Majesty’s Ministers, respecting the penalty to be levied, under the Treaty of Tientsin, for presenting false manifests of cargo, it has been agreed that, pending a reference to Washington, the XIXth Article of the said Treaty shall be defined, in this respect and for this offence, by the last clause of Art. XXXVII of the British Treaty, and the legal penalty on conviction should be a fine of five hundred taels.”

8.—The vagueness of the Treaty stipulations in respect of Manifests, has thus been terminated by the Ministers, whose words I have just quoted: the one having defined a manifest to be “a full and definite report such as will enable the Customs’ Officials to regulate their conduct in affixing the duties,” and “as full and ample a description as the Captain is able to give;” and the other having enacted, that, for false manifest, there should be a fine of five hundred taels.

9.—I am now able to state that the want of precision, in respect of Consular Report, in the text of the Treaty, has been provided against in a similar way.

10.—A vessel named the *Tropic*, under the United States' flag, arrived at Canton last year, and remained unreported for some weeks, during which several communications passed between the Consul and Superintendent,—the one holding that the vessel ought to have been reported within 48 hours, and that, not having been reported, a fine ought to be levied, while the other—the Consul—maintained, that, inasmuch as the *Tropic* was a "hulk," Consular report was unnecessary, and that, inasmuch as the United States' Treaty did not prescribe any fine, the vessel, even admitting that "hulks" ought to be reported, could not be fined. Eventually, the Consul reported the vessel in the ordinary way, and the question, in its various bearings, was submitted to the high authorities for their decision.

The understanding now arrived at is—1°, that as regards the *Tropic*, even had the United States' Treaty provided for fines in language similar to that employed in the British Treaty, a fine ought not to be levied, inasmuch as the delay in reporting her had its origin—not in the neglect of the Master, but—in the Consul's opinion respecting hulks; and 2°, that, as regards so-called "hulks," they are to be reported, for the term "merchant vessel" is to be regarded as including vessels of all kinds, whether employed in the transport of goods from place to place, or brought into port to be used as floating godowns, stores for the sale of goods, or residences.

[This opinion provides, I conceive, for the payment of Tonnage Dues by "Hulks": all vessels, with the exception of those specially mentioned in the treaties as exempt, being liable for tonnage dues after having been 48 hours in port; a vessel which remains constantly in port ought naturally to pay tonnage dues once every four months for the space occupied by her in the harbour, and for the various exemptions and privileges which her owners or occupants are thereby enabled to enjoy. On this point, however, the Ministers have not yet been consulted.]

11.—His Excellency the United States' Minister has, in addition, officially notified the Yamên, that, pending reference to Washington, the 19th Article of the United States' Treaty shall be regarded as being identical with the 37th Article of the British Treaty, in respect of the Consular report of the arrival of ships: that is to say, vessels under the United States' flag are to be reported within 48 hours

after arrival, and, if owing to neglect on the part of the Master, [supercargo, or consignees,] the rule is not complied with within the said 48 hours, the vessel becomes liable to a fine of fifty taels for every day's delay, the total amount of the penalty not to exceed five hundred taels.

Mr. Burlingame, in his despatch to Prince Kung on this subject, states that instructions to the above effect are being addressed to the United States' Consuls at the Treaty Ports.

I am, etc.,

(signed) ROBERT HART,

I.G.

CIRCULAR No. 11 OF 1867 (FIRST SERIES).

**Local Loans, Bonds or Notes of, not to be signed by Commissioners
without Inspector General's instructions.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 27th July, 1867.

SIR,

1.—With reference to Local Loans, and the attempts from time to time made by the Authorities to borrow money from Foreign merchants and banks, I have to instruct you to refuse to seal or sign any promissory notes, or render any assistance of any kind, until authorised by me to do so.

2.—Unless when sanctioned by Imperial Edict, the security offered by Provincial Authorities for repayment is simply personal security, and the death or removal from office of the borrower places the money of the lenders in jeopardy, for the in-coming official is quite at liberty to ignore the loan completely. Whenever an Imperial Edict sanctions a Loan, the Tsung-li Yamên is to acquaint me with the same for communication to the offices concerned; that once done, the Commissioners will be entitled to seal and counter-sign the promissory notes or other documents to be issued by the Provincial Officials or Superintendents of Customs, and such seal and signature will simply have the effect of certifying to the Foreigners invited to lend, that the loan to be negotiated is a *bona-fide* Govern-

mental Loan, and that the central Government undertakes the responsibility of payment of interest and repayment of principal. Thus instructed by me, the Commissioner will seal and countersign the document officially; he will certify to the public that the loan has the approval of the central Government, and he will personally be free from all other responsibility in the matter. Without instructions from me, Commissioners are to refuse most distinctly to certify to the validity of any local security; on the contrary, if questioned as to the character of such security, it will be their duty to reply, that, until approved of at Peking, the proposal to borrow money is simply of the nature of a private transaction between man and man, and that the repayment from Governmental funds may, at any moment, be rendered impossible by official changes, or by direct order to that effect from Peking.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 14 OF 1867 (FIRST SERIES).

Out-door Staff, organization and distribution of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 19th September, 1867.

SIR,

1.—With this Circular you will receive a Despatch acquainting you with the arrangements to be made at your port in order to the better organisation of a most important branch of the Customs' Service, the Out-door Staff. It cannot have escaped your notice that, hitherto, the members of the out-door department have been serving on an uncertain and unsatisfactory footing, and that seemingly, they were but little cared for, and their services but lightly valued. I am, therefore, the more happy to find myself at length at liberty to attempt to produce a little order and uniformity where there is much confusion, and give standing and security to a department many of whose members occupy very responsible positions, and perform duties of an equally important nature.

The In-door Department has now to some extent attained form and consistency; it is to give shape to the Out-door branch that I address you in this Circular.

2.—The organisation determined upon for the present, for the Out-door Staff, is as follows:—

One Inspector of the Water Guard	3,000	taels	a year.
Four First Class Tide-Surveyors	2,400	„	„
Six Second Class Tide-Surveyors	1,800	„	„
Eight Third Class Tide-Surveyors	1,500	„	„
Twelve Fourth Class Tide-Surveyors . . .	1,200	„	„
Fifteen First Class Examiners	1,080	„	„
Twenty-seven Second Class Examiners .	960	„	„
Thirty First Class Tidewaiters	840	„	„
Fifty Second Class Tidewaiters	720	„	„
Eighty Third Class Tidewaiters	600	„	„

3.—The two hundred and thirty-three members of the Out-door Staff, as comprised under the above mentioned denominations, will be distributable in the following manner:—

PORT.	Inspector of the Water Guard.	First class Tide-Surveyor.	Second class Tide-Surveyor.	Third class Tide-Surveyor.	Fourth class Tide-Surveyor.	First class Examiner.	Second class Examiner.	First class Tidewater.	Second class Tidewater.	Third class Tidewater.
Canton	1	..	1	1	1	2	4	8	16
Swatow	1	..	1	1	1	2	4	6
Amoy	1	..	1	1	1	2	4	6
Takow	1	..	1	1	2	4
Tamsuy	1	..	1	1	2	4
Foochow	1	..	1	1	1	2	3	4	6
Ningpo	1	..	1	1	3	2	2	4
Shanghai	1	1	1	1	1	3	5	6	10	12
Chinkiang	1	1	1	1	1	2	2
Kiukiang	1	..	1	1	2	2	2	4
Hankow	1	..	1	..	2	5	2	4	6
Chefoo	1	1	1	1	2	2	4
Tientsin	1	1	1	1	1	1	2	2
Niuchuang	1	..	1	1	1	2	4
	1	4	6	8	12	15	27	30	50	80

4.—The individuals selected from the Tide-Surveyors and Tidewaiters at present employed, for appointment to the posts and positions just indicated, will be made known by *Gazette No. 6* at the end of this month.

5.—The general rules for the maintenance of the Out-door Staff will, for the present, be the following:—

1°. *Appointment*.—The selection and employment of Tidewaiters rest with the Commissioners at the various ports; persons newly employed are to be on the same footing in respect of pay as Tidewaiters of the third class, but must serve through a probationary period of three months before their names can be placed on the roll of the fixed establishment; the probation ended, the Commissioner, if satisfied, will report the probationer's name to the Inspector General, when it will duly appear in the *Gazette*, and the person concerned will thereafter be entitled to all the privileges of members of the fixed establishment, Out-door branch.

2°. *Promotion*.—Generally speaking, Tidewaiters will be advanced from the third to the second and first classes at the port at which originally stationed, on the occurrence of vacancies. Intelligence, conduct, and seniority will determine the selection of the individual for promotion to a vacancy, and in no case will a Tidewaiter be advanced from the third class, unless able to read and write readily, and figure accurately; Tidewaiters of the first class will be eligible for promotion to the Examiner class, if well acquainted with the various kinds and qualities of Imports and Exports. Examiners will not be eligible for advancement to the Tide-Surveyor class, unless thoroughly acquainted with the duties of Tidewaiter and Examiner, and fully qualified by temper and good judgment to take charge of other men. Where other qualifications are equal, the preference will be given to the individual who has attained the greatest proficiency in Chinese—the local dialect if stationed at Shanghai or any ports to the South, and the mandarin if at any of the Yang-tsze or Northern ports. Tidewaiters and Examiners will be nominated as vacancies occur by the Commissioners, and on being reported to and approved of by the Inspector General, will be duly confirmed and gazetted. Appointments to Tide-Surveyorships, frequently necessitating transfer to other ports, will be made by the Inspector General, and will be based upon the reports and recommendations received from the various Commissioners. The Inspector of the Water Guard will be selected, for special qualifications, from the Tide-Surveyors of the First and Second Classes.

3°. *Acting appointments*.—Examiners and Tidewaiters of any class acting, for a period exceeding three months in duration, for

those of a higher grade, will, as salary, draw half the pay of their own, and half the pay of the grade for which they may be acting.

4°. *Leave of Absence*.—After seven years' service, members of the Out-door staff will be entitled to one year's leave on half pay, if able to produce a medical certificate certifying that the state of the individual's health necessitates the leave, or, if the requirements of the Service will admit of it, supposing the individual to have urgent private reasons for demanding such leave.

5°. *Retirement*.—Any one obliged by health to retire after ten years' service will be paid, as gratuity, an amount equal to one year's pay; the gratuity will be increased for every year served over and above the ten, by an amount equal to two months' pay.

6°. *Discipline*.—Tidewaiters of the Third class may be dismissed by the Commissioner under whom they serve without reference to the Inspector General; but no member of the Out-door staff of a higher grade can be dismissed without the Inspector General's sanction. The Commissioners may suspend anyone from performance of duty, placing on half pay, pending reference to the Inspector General. For drunkenness, dishonesty, or assault (the person assaulted being a Chinese) the punishment, on report to the Inspector General, will be summary dismissal. Persons once dismissed are not to be re-employed.

6.—It is not necessary at the present moment, to encumber the simple plan of organisation, or the few general rules which precede, with any further detail; starting afresh from the intelligible point now attained, it will be easy and possible to make such modifications or additions, as circumstances and further experience may appear to render expedient. I have therefore to invite you to give your attentive consideration to the subject of the organisation of the Out-door Staff generally, and afford me the benefit of such suggestions and advice as your local experience and immediate contact with that branch of the service enable you to proffer. It might be well, too, to ascertain the views of the Tide-Surveyors and others, for, as the practical effect of the steps now taken will fall on them chiefly, it is not unlikely that they may have some remarks to make which would not occur to you or me, but which might have an important bearing on the utility of the measures now proposed. What I desire is this: that the Chinese Government be well served, and that its employés, receiving a fair day's wage for a fair day's work, shall be placed in positions at once secure and satisfactory to themselves.

7.—The appointments notified in the accompanying despatch are made, subject to your *veto*: you are at liberty to dispense with the services of any of the Tidewaiters therein named, if you consider them unworthy of being retained on the regular establishment, and you are further at liberty to defer the promotions of any individual with whose conduct or fitness you are not fully satisfied until after communication with myself.

8.—One piece of advice and one warning I desire to be given to all: viz., that opportunity offering or allowing of it, an attempt should be made to pick up the local dialect, and that no excuse will be accepted for assault of any kind upon Chinese in Customs' employ.

9.—You will assemble the Out-door Staff at your port, and read them this Circular and the Despatch by which it is accompanied: and, while acknowledging the receipt of this Circular, you will report to me the date on which you gave effect to the instructions contained in the first clause of this paragraph.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 2 OF 1868 (FIRST SERIES).

**Tonnage Dues, seven-tenths of, to be received monthly
and remitted quarterly.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 13th March, 1868.

SIR,

1.—Having reference to my Circular No. 1 of 1865, I have now to inform you, that, instead of the Tonnage Dues' Tenth therein directed to be received and transmitted to my accounts at the Oriental Bank Corporation, the Tsung-li Yamèn has issued instructions to the various Collectors of Customs to hand to you, to be remitted to my account C. in the usual manner, seven-tenths of the Tonnage Dues collected at your port.

2.—The instructions now notified are to take effect from the beginning of the 31st quarter, the first proximo; the seven-tenths are to be applied for monthly, and are to be remitted, and reported quarterly.

3.—In a separate despatch you will be supplied with special instructions relating to the manner in which expenditure for Harbour Masters' and Coast Light Departments is to be met and accounted for by your office.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 10 OF 1868 (FIRST SERIES).

Marine Department, organization of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 25th April, 1868.

SIR,

1.—It occurs to me, that, for their better information and guidance, it may not be out of place to acquaint the Commissioners generally with the measures which have for some time back been under consideration for the organisation of a Marine Department, with a view to the more efficient carrying out of various plans calculated to improve the approaches to the ports, and facilitate navigation along the Chinese Seaboard. I therefore address you in this Circular, and invite your co-operation in the district of which (*vide* Cir. 8 of 1864) you have charge.

2.—A review of Chinese obligations in respect of Coast and Harbour works, and of the means to meet them at the disposal of the Inspectorate, has proved the task to be a more difficult one than was at the outset anticipated, and has made it plain that nothing ought to be commenced but after the most mature reflection, and that, to ensure a really useful result, it is to a well considered general plan, rather than haphazard undertakings at special points, that

recourse must be had. During the last twelve months, the attempt has been made to gain a clear comprehension of the ends proposed for attainment, to adapt means to ends, and to initiate works that shall not cause failure and ridicule, if not disaster. The importance of lights, for instance, to mariners involves considerations of too serious a nature to be treated triflingly; in order that all real dangers may be provided for, care has to be taken to husband our resources and refrain from establishing lights in the first instance except at those places where beyond question they are most urgently required, and, the localities which require lights once determined on, still greater heed must be taken to select such sites for them in those localities as shall be least likely to draw ships into, while warning them of, dangers; further, arrangements have to be made to ensure the continued existence of lights when notified as established. Thus, in the matter of Coast lights alone, it has first of all been necessary to make a careful study of the Coast; it has been requisite to bear in mind that the Tonnage Dues to which we have to look for the carrying on and support of the work, from Niuchuang to Hainan, do not annually amount to any very large sum, and can only too easily be swallowed up in the payment of salaries; and the question has still to be met how and where to find, for our lights, keepers who will not demand an exorbitant rate of pay, and in whose sobriety and attention to their duties, trust can be reposed. The insight that results from long continued examination and serious reflection, is sufficient to show that to meet real requirements, husband resources and produce results of real and lasting utility, hasty measures must not be resorted to: in short, to go safely, we must proceed slowly.

3.—The problem has assumed this form: Coast works are called for; of those demanded, which are really required? Funds to such and such an extent can be reckoned on; how may the most be made of them?

4.—In the interests of ships trading to and along the coast of China, the real requirements, in general terms, are as follows:—on the voyage, warning to be given of dangers, *i.e.* lights ought to be placed where necessary; in nearing a port, assistance to be given by experts acquainted with local peculiarities, tides, currents, etc., *i.e.* efficient pilots ought to be provided; in the waters of the port, spots to be avoided to be marked, *i.e.* there ought to be a proper supply of buoys and beacons; in the anchorage, order and regularity to be ensured, for the convenience of business and the prevention of accidents, *i.e.* there ought to be Harbour Masters.

5.—In the anchorages—in the waters of the ports—in the approaches—and along the Coast, commencements have been made. Thus, there are Harbour Masters at Niuchuang and Shanghai; Buoys and Beacons have been provided for Niuchuang, Tientsin, Shanghai, Ningpo, Foochow, Tamsuy and Amoy; regulations for the establishment of a more efficient Pilotage Service have been drawn up, and are gradually being brought into operation at the ports generally; and while at Shanghai, Chefoo, Ningpo and Foochow, local wants have been studied and to some extent provided for by Messrs. Fitz-Roy, Luson, and Brown, the general question of lights for the Coast has been specially attended to for some time back. The acquaintance that has been thus acquired with the real requirements of the Seaboard will enable the work that remains to be done to be commenced without delay, and carried through satisfactorily. The past has been devoted to experiment and observation, rather than productive of any strikingly visible outward results; the experience thereby gained makes it now possible for promise to be followed by fulfilment. At the same time, it would still be most unwise to rush hastily into reckless expenditure, or to appropriate public funds to purposes that have not been maturely considered, or of the necessity for which there is any question; and the object of this Circular is rather to excite your interest in the *modus operandi*, than to particularise the special works it is intended to commence. It is more easy for irresponsible persons to write glibly and display a quasi-acquaintance with the Coast and the requirements of navigation, than for those who have the responsibility to satisfy themselves, when expending public monies, that such and such works ought to be undertaken, or that such and such methods of carrying them out are the most expedient to be adopted.

6.—The duties to be performed differ materially from those discharged in the collection of revenue, and are of a kind for which the Customs' Department has not received any special training. At first sight, therefore, it might seem that a special department ought to be created, of an independent kind, and in no way connected with the Customs; a closer consideration shows, however, that, whatever there might be of what may be styled mathematical correctness in the idea of such a special department, symmetry would be attained at the expense of results, and form substituted for matter,—for we should find a well arranged department, properly classified, and liberally paid, but with all available funds swallowed up in salaries, and no monies remaining for carrying out the works called for by the public. What has therefore been endeavoured to be done has been to devise a means by which an efficient staff,

composed of people adequate to meet all real wants, should be provided, and the Inspectorate retain, instead of squandering it in salaries, the greatest possible amount of money for productive expenditure. A department has therefore been organised in connection with, and in some respects formed from the Customs' Service, at the head of which will be a Marine Commissioner, assisted by competent Light House and Harbour Engineers, and which, while forming a special department in respect of its work, will, at the same time, be incorporated with the Customs, as at present existing, in such a way as to make each Department assist the other, economise funds, and secure efficiency in the interests of the public. The Revenue Service will thus for the present be composed of twin departments, Customs and Marine.

7.—For practical purposes, the Chinese Coast-line may conveniently be divided into three sections, Northern, Central and Southern:—the *Northern* to comprise the shores of F'ungt'ien, Chihli and Shantung, extending from 41° to 34° , and containing the treaty ports of Niuchuang, Tientsin, and Chefoo; the *Central* to comprise the shores of Kiang-su and Chêkiang, extending from 34° to 27° , and containing the ports of Shanghai and Ningpo, and the riverine marts of Chinkiang, Nanking, Kiukiang, and Hankow; and the *Southern* to comprise the shores of Fuhkien and Kwangtung, extending from 27° to 20° , and containing the ports of Foochow, Amoy, Tamsuy and Kelung, Taiwan and Takow, Swatow, Canton and Kiungchow. Thus, in each section, measured from North to South, there is contained a Coast-line stretching over about seven degrees of latitude. The three sections differ from each other in both nature and requirements.

8.—There is not such a quantity of shipping frequenting the score of ports in the three sections as would warrant the appointment of a separate Harbour Master for each. At some, such as the Yangtze marts and Formosan ports, there are never more than half a dozen Foreign vessels in the anchorage at a time; at two of the Northern ports the river is frozen for from three to five months annually; and at most of the Southern ports, it is but rarely that the anchorage is likely to be so crowded as to make it possible to find constant occupation and work for a Harbour Master. But while the absence of any overpowering and universal demand for Harbour Masters is thus easily shown, it is to be remembered that the Customs' employés, styled Tide-Surveyors, have duties to perform in connection with ships, of a kind which would enable them, without much additional trouble, to exercise Harbour

Masters' functions as well, and, indeed, at Swatow, Amoy, Chefoo, etc., it has hitherto been by the Tide-Surveyor, that the work of the port, analogous to that attended to by the Harbour Master at Shanghai, has been performed. It is therefore intended to alter the standing of the Tide-Surveyors very materially, and to style them Harbour Masters in future; in addition to their ordinary duties as heretofore performed by them in connection with the Customs' Department, they will have the full and formal charge of the Harbour and waters at the respective ports. A few of the ports are of such a kind as really not to require that the Harbour Masters should be nautical men; at the other ports where nautical skill is required, none will be appointed to that position, who have not had the requisite experience afloat, or who do not hold proper certificates. Thus, at Hankow, Kiukiang and Canton, the Harbour Master, beyond a supervision of buoys and beacons, will rarely have other than Tide-Surveyor's duties to perform; at Shanghai, on the other hand, a Tide-Surveyor will be required by the Customs' Department whose time will not admit of attention to Harbour Master's duties, and a Harbour Master will also be necessary whose occupations, as such, will not admit of attention to Customs' matters. The arrangements contemplated are, therefore, based on a study of the nature, and necessities of the several ports.

9.—The Harbour Master will accordingly be charged with all port duties in the anchorage and adjacent pilotage ground, and will have to attend to the Lights, etc., situated along that part of the Coast which was notified by Circular 8 of 1864, as placed under the control of the Commissioner at the port concerned; and, as head of the out-door staff, he will likewise continue to exercise supervision over its members, and perform Tide-Surveyor's duties for the Customs' Department as heretofore.

10.—But in order to secure a thorough acquaintance with, and a proper performance of, such new duties by every Harbour Master, I have appointed for each of the three sections alluded to in par. 8., an officer for the special work of the Marine Department, and who will have no duties to perform in connection with the Customs' Department, to be styled a Divisional Inspector. The Divisional Inspector for the Northern section will reside at Chefoo,—for the Central at Shanghai,—and for the Southern at Foochow; at each of these ports there will likewise be a Harbour Master for the performance of the combined duties of the Marine and Customs' Departments, and under them will be such officers as may be required to assist in their special functions. The Divisional Inspector when

present at the port at which he is to reside, will there be the Harbour Master, properly speaking, and the Harbour Master (Tide-Surveyor) will then devote his time as much as possible to his other duties in connection with the Customs' Department; in the absence of the Divisional Inspector, such Harbour Masters will perform the Harbour Master's duties at the ports concerned, just as would a Harbour Master at one of the other ports which is not the residence of an Inspector. The Divisional Inspectors will thus—1st, attend to Harbour Master's duties at their own ports or places of residence; 2^d, they will be required to inspect the other ports in their respective sections periodically, examining there the state of the buoys and beacons, the condition of the local pilotage, the performance of Harbour duties by the local Harbour Masters, etc.; and 3^d, they will be specially looked to, to provide for the proper lighting of that section of the coast over which they are to exercise supervision. Such Inspectors will in fact be Deputy Commissioners serving under the Marine Commissioner, and under them will be Harbour Masters of several classes, corresponding to Customs' clerks of various grades; and Inspectors and Harbour Masters will rank accordingly.

11.—The Divisional Inspectors and Harbour Masters have already been nominated, and will be appointed and gazetted shortly after the issue of this Circular; they will then enter upon the special duties marked out for each, and in respect of which timely notice will be given to the Commissioner at the port concerned.

12.—The first duty to be performed by each Harbour Master will be to draw up a careful report upon the nature and requirements of his port and district, to be forwarded to the Divisional Inspector; the Divisional Inspector will subsequently visit each port and satisfy himself, by personal examination and inspection, as to the correctness of the Harbour Master's views—the real wants of the place—the utility and feasibility of the measures proposed—and the best way of carrying such measures into effect; that done, it will be his duty to send copies of the original reports, accompanied by comments, narrating the result of his own examination, and comprising his own criticisms, to the Marine Commissioner, who, in communication with myself, will decide upon the action to be taken. In the end, there will be no loss of time caused by this complicated-looking but really simple procedure; and it will, at all events, have the merit of guarding, in so far as it is possible to guard, against the doing of anything that might have afterwards to be undone.

13.—*A.*—Each Harbour Master must keep a book in which he shall enter every communication made by him to the Divisional Inspector, and each such communication must be shown to and countersigned by the Commissioner at the port before being despatched; similarly, he must hand to the Commissioner, to be perused and countersigned, before being acted upon, every communication received by him from the Divisional Inspector.

B.—The Divisional Inspectors are to send to the Marine Commissioner copies of every communication received by them from, or addressed by them to, the Harbour Masters.

C.—The Marine Commissioner will send to the Inspectorate copies of letters received by him from the Divisional Inspectors, as well as of those addressed by him to them. Further, the Marine Commissioner will send his orders to the Harbour Masters through the Divisional Inspectors, and the Harbour Masters will forward through the same channel, any communications they may desire to address to the Marine Commissioner.

D.—Suggestions as to work to be undertaken, etc., etc., etc., which the Commissioners of Customs may desire to see acted upon by the Marine Department, should be forwarded by them officially to the Inspectorate for communication to the Marine Commissioner.

E.—The Marine Commissioner will be independent of all authority except that of this office; the Divisional Inspectors will be under the direct orders of the Marine Commissioner, but, before acting on them, they must exhibit them through the Harbour Master to the Commissioner at the port concerned, for his approval and counter-signature; such Divisional Inspectors will besides be under the orders of the Commissioner in charge of the port at which they may be resident or staying.

F.—In this manner order may be best preserved, while the Commissioners of Customs and the Inspectorate will be kept acquainted with all the concerns of the Marine Department.

14.—The funds for the support of the Harbour Master's staff at each port will be issued through the Commissioner and appear in his quarterly accounts, but each Harbour Master will keep a detailed account of the expenditure and will send it quarterly, drawn up

according to the form inclosed, through the Divisional Inspector to the Marine Commissioner, to be rendered to this office in accordance with forms to be hereafter supplied.

15.—The organisation of the Marine Department will accordingly be that shewn in the following scheme:—

MARINE COMMISSIONER

ASSISTED BY HIS STAFF CONSISTING OF—

1 Harbour Engineer: 1 Secretary: 2 Coast-Lights' Engineers

under whom will be for the three Sections 3 Divisional Inspectors

Northern Section. Divisional Inspector.	Central Section. Divisional Inspector.	Southern Section. Divisional Inspector.
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At Chefoo.

At Shanghai.

At Foochow.

Superintending

Superintending

Superintending

Harbour Masters at

Harbour Masters at

Harbour Masters at

Chefoo, 2d Class.

Shanghai, 1st Class.

Foochow, 1st Class.

Tientsin, 2d „

Ningpo, 2d „

Amoy, 1st „

Niuchuang, 2d „

Chinkiang, 3d „

Tamsuy, 3d „

etc., etc., etc.

Kiukiang, 2d „

Taewan, 3d „

Hankow, 1st „

Swatow, 1st „

etc., etc., etc.,

Canton, 2d „

etc., etc., etc.,

—And, in his own district, each Harbour Master will be

charged with the supervision of—

Harbour Pilots.

Licensed Pilots.

Light Keepers.

Harbour Police.

etc., etc., etc.

The Marine Commissioner will rank with Commissioners of Customs; the Divisional Inspectors and Consulting Engineers with Deputy Commissioners of Customs, and the Harbour Masters of the 1st, 2nd, and 3d Classes, with Clerks of the 1st, 2nd, and 3d Classes.

One of the Customs' Clerks acquainted with Chinese will be told off for duty as Secretary to the Marine Commissioner; the Divisional Inspectors and Harbour Masters will be expected to keep their own accounts, and do their own writing and copying, but they will be authorised to obtain the assistance of one of the Clerks from the Customs' Department when necessary.

16.—The Marine Commissioner, who is now in Europe attending to certain details connected with the department, will not return to China for some months to come; during his absence, the senior Divisional Inspector will act as Marine Commissioner.

17.—The measures to be adopted at the various ports in respect of the Harbour Master's local staff, to consist of Harbour Pilots, Licensed Pilots, Light keepers, Harbour Police, Boatmen, etc., etc., will be notified separately to the several Commissioners, and the arrangements will be uniform and of the simplest kind.

18.—For each section a Steam Cruiser will be provided, to be employed for the protection of the revenue, the police of the waters in the district, and regular communication with the light keepers; such cruisers will be under the orders of the Commissioner of Customs, and are not to be despatched on any duty by the Marine Department, save on written requisition to, and after written permission from such Commissioner. For each port, a sailing vessel will be provided of the lorch or papico class, to enable the Harbour Master to exercise a proper supervision over the adjacent waters, to visit the buoys and beacons, to communicate with the district Light keepers, and to do such revenue work as the Commissioner may require.

19.—The performance of their duties will bring the members of the Marine Department so much into contact with the public out of doors, that, in order to their easy recognition and for the preservation of discipline, it will be right to adopt a uniform, with distinctive badges, indicative of relative rank. Drawings will be sent to the Divisional Inspectors, whose duty it will be to see that the employés at each port are properly attired in accordance therewith.

20.—Such further information as it may be necessary to supply you with, will, from time to time, be furnished. Meanwhile, I trust that what has been above written will not fail to interest you in the development it sketches, and that you will be the more ready to

assist in carrying out the views set forth, remembering that what is aimed at, is such a performance of our duties to the public as shall combine thorough efficiency with strict economy.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 12 OF 1868 (FIRST SERIES).

Linguists, classification, distribution and duties of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 15th May, 1868.

SIR,

1.—The position and duties of Chinese Linguists in the employ of the offices of the Inspectorate, at the various ports, have now become so well defined in point of fact, that it appears desirable to submit them to certain fixed rules in order to uniformity and regularity. I have accordingly to address you in this Circular, in respect of that class of employés.

2.—Three causes have led to the continued employment of Linguists:—1°, the inability of Foreign employés to speak the Chinese language—more particularly the local dialects; 2°, to economise office funds by entrusting the less important kinds of copying work to natives on moderate salaries; and 3°, the hope that, in time, the Linguist class might be looked to for a supply of able and trustworthy native officials for the revenue department in the public service of China.

3.—Experience has shewn that the hopes entertained as to the supply of officials from the Linguist class, have been so far ill-founded; in no case has any individual proved himself to possess a combination of the required qualities, and, generally speaking, the higher officials have evinced a distrust of such Linguists, in itself fatal to their obtaining positions of trust, even though possessed of the ability and experience that would fit them to fill them. The opportunity we have of endeavouring to train up a class of natives for the administration of the Revenue, is, however, one that we

ought not to lose sight of, while performing the duties for which we ourselves are paid; I should therefore be sorry to abandon a hope of ultimate success, little warranted as the experience of the past may prove us to be in continuing to entertain it. For half a century more, China will probably require the services of Foreigners in such positions as we now occupy; but it would be absurd to expect that such a state of things can for ever continue to exist, and it may be regarded as certain that, sooner or later, our successors, nearer or more remote, will in turn be replaced by natives. With such a future in prospect, I conceive we owe it to the Chinese Government and to Treaty Powers, to do what we can to train a class of natives fitted to succeed us; but whether that class is to be looked for from amongst the Linguists as now existing, or whether it is more likely to be produced by the T'ung-wên-kuan* (and that I think the more probable), time alone will show. The Linguists should be encouraged to improve themselves in the knowledge of their own language and its literature,—a respect in which they are, as a class, singularly deficient, and some attempt should be made to make them more fitted for their possible position, as international agents, by leading them to improve their acquaintance with Foreign languages, and, through their medium, with such things as may be useful for China to know or adopt; special care, too, should be taken to note any circumstances tending to prove the ability, veracity, honesty and general trustworthiness of individuals, in order that it may be known where they are to be found, should it ever be possible to utilise them.

4.—The second reason for the employment of Linguists,—the economising of public funds by the employment of Natives on moderate salaries as copyists, and for the less responsible kinds of

* The T'ung Wên Kuan (同文館), or School of Combined Learning, owes its origin to the same Imperial Decree of January 1861 as created the Tsungli Yamên. It began as a school for the teaching of foreign languages, but under Hart's advocacy and support became one of the pioneers in the introduction of modern ideas into the Chinese educational system. During the 40 years of its existence it educated selected young men to act as official interpreters and diplomats for the Government, giving them a broad training on modern lines. Functioning under the auspices of the Tsungli Yamên, it exercised considerable influence, and its graduates were to be found in responsible positions throughout the length and breadth of the Empire. On the proposal of Li Hung-chang similar schools were also opened in 1864 at Shanghai and Canton. Through the professors of the Peking T'ung Wên Kuan many important works on literary, historical, and scientific subjects were for the first time made available to Chinese. They produced translations of famous books or original works on law, physics, chemistry, political economy, history, astronomy, and linguistics. On the establishing of the National University in 1902 the T'ung Wên Kuan was amalgamated with that institution (*vide* H. B. Morse: "The International Relations of the Chinese Empire," vol. iii, Appendix F, pp. 471-478; and K. Biggerstaff: "The T'ung Wên Kuan," in "The Chinese Social and Political Science Review," vol. xviii, No. 3, October 1934, pp. 307-340).

work, is sufficiently strong in itself to warrant their continued employment; but it is open to question whether too much has not been left to chance, and not enough care taken to appoint to them the right tasks, so that their assistance has either not been availed of after the most proper manner or to the fullest extent. Unfortunately, as yet there are but few whose work does not require supervision, and it is difficult to say, how long we must wait before it will be possible to accept the results that come from their hands without the trouble of going through their work from first to last. The kind of task to be allotted to them in each case must, of course, be determined by the nature and individual requirements of the office, but, as Linguists' work generally will now, to some extent, admit of division and arrangement, it may be well to attempt to map it out in such a way as shall make it uniform and intelligible.

5.—The first cause necessitating the employment of Chinese acquainted with English, *viz.*, the inability of Foreign employés to transact business in Chinese, is one which, to some extent, daily decreases in importance. At the Southern ports, in the Fuhkien and Kwangtung provinces, it may continue to be necessary to employ such Linguists to enable the Foreign clerk to understand the native applicant—though, indeed, even there, as is proved by the very commendable and excellent manner, in which the duties of a first class clerk and chief Linguist are, at one and the same time, performed at Amoy by Mr. Jones, the creditable exertions of individuals may neutralize that seeming necessity. But at the Northern ports, in the provinces of Chekiang, Kiangsu, Kiangsi, Hu Pih, Shantung, Chihli and F'ung't'ien, where the local dialect is either an excellent mandarin, or so akin to mandarin as to be easily mastered by any one who attempts to acquire a useful knowledge of it, and where it is absurd and disgraceful that men who draw Chinese pay should neither speak the language nor interest themselves in the country, it is quite possible, that, in a few years' time, the Commissioners and Clerks will, one and all, be able to dispense entirely with the Linguists' aid as a medium of communication.

6.—The continued employment of Linguists is, however, still so necessary, that it becomes a matter of some importance to classify those now employed, define their positions and duties, and arrange rules for their conduct and treatment, while, at the same time, it will be but fair to a comparatively large number of useful and well behaved men to place them on an assured footing, accord a proper recognition to their services, and enable them the better to understand and be guided by their position, duty and prospects.

7.—At the present moment I find that work is provided for about seventy Linguists at the various ports, and that, to have at hand a set of learners available to fill up vacancies, it will be well to keep the number employed at some ten above the actual current requirements. I have accordingly divided the eighty Linguists into six classes:—

In the first class there will be 4, whose pay will be at the rate of 150 taels a month, the senior at Shanghai receiving Tls. 175;

—in the Second there will be 6, receiving Tls. 125 a month

„ Third „ „ 10, „ „ 100 „

„ Fourth „ „ 10, „ „ 75 „

„ Fifth „ „ 20, „ „ 50 „

„ Sixth „ „ 30, of whom 15 will receive 30, and 15, 20 taels a month.

8.—The eighty Linguists thus classified will be stationed at the various ports according to the following scheme:—

PORTS.	1ST CLASS LINGUISTS, Tls. 150.	2ND CLASS LINGUISTS, Tls. 125.	3RD CLASS LINGUISTS, Tls. 100.	4TH CLASS LINGUISTS, Tls. 75.	5TH CLASS LINGUISTS, Tls. 50.	6TH CLASS LINGUISTS, A. AND B. Tls. 30 & Tls. 20.
Niuchuang ...	..	..	1	..	1	..
Tientsin .....	..	..	1	..	1	..
Chefoo .....	..	..	1	..	1	..
Hankow	1	..	1	..	1	..
Kiukiang .....	..	1	1	..	..	1 A.
Chinkiang ...	..	..	1	..	1	..
Shanghai	1	1	2	4	8	8 A.
Ningpo .....	..	1	..	..	..	1 A. & 1 B.
Foochow	1	..	1	1	2	..
Tamsuy .....	..	..	..	1	1	..
Takow .....	..	..	..	1	1	..
Amoy .....	..	1	..	1	1	4 B.
Swatow .....	..	1	..	1	1	1 A.
Canton	1	1	1	1	1	4 A. & 10 B.
	4	6	10	10	20	15 A. & 15 B.

The Linguists selected to fill the appointments, as above classified, will be named in a separate despatch to the address of the Commissioner concerned, and will be subsequently gazetted.

9.—The classification now notified will be brought into force without delay, but the appointment of the Linguists to the different classes will, in the first instance, be provisional. In the spring of next year, when visiting the ports, I shall ask each Commissioner to

assist me in testing the proficiency of the Linguists in the following branches:

- 1°. English conversation.
- 2°. Writing from dictation.
- 3°. Copying.
- 4°. Arithmetic.
- 5°. Mandarin Colloquial.
- 6°. Local Dialect.
- 7°. Written Chinese.
- 8°. Acquaintance with 'Tariff and Customs' Rules.

—That examination concluded, the rating of each individual will be fixed.

10.—The rules in respect of Linguists,—Chinese serving in their own country,—need not be numerous or complicated; for the present the following will suffice:—

1°. In the event of a vacancy at a port, the senior Linguist in the section in the class under that in which it occurs will have the preference.

2°. A Linguist moved from one port to another will be allowed for travelling expenses a fixed sum of 50 Haikuan Taels.

3°. A Linguist obliged by ill-health to absent himself from the office will be allowed to draw full pay if the absence does not exceed one month; if absent more than a month, his pay for the whole time of absence will be issued at half rate.

4°. After four years' service, a Linguist may have two months' leave on full pay, or four months' leave on half pay, to visit his family.

5°. Linguists of the 1st and 2nd class will rank with but after clerks of the third, and those of the 3rd and 4th with but after clerks of the 4th class.

6°. Linguists may be suspended for misconduct, and may be fined to the extent of one half their salary for the month by the Commissioner at the port if careless in the performance of their duties, but are not to be dismissed except after reference to the Inspector General.

11.—Of the duties to be entrusted to Linguists, I should remark that only such ought to be performed by them as admit of correction at the port itself; that is to say, they may be employed for the current work of the port as interpreters and translators, and for its

records as copyists, but should not be used to make up documents for transmission to other ports. Chinese documents to be sent to another port, ought to be made out by the Shupan or writers, and English documents by the European clerks; and whenever an English document is made out by a Linguist for another port, it ought to be read over and countersigned by the Foreign clerk with whose work it is most connected.

Neither Permits, Exemption Certificates, nor Drawbacks ought to be issued by the Linguists; they should not have charge of the seal, nor should they be employed to interpret between the Commissioner and Collector, or to copy despatches intended for this office.

It is in translating the applications of Chinese shippers and consignees from Chinese into English for the Foreign permit issuer, and more particularly those of Foreign applicants, for the Shu-pan who calculate the duties, as also in assisting in making up the trade returns, that the Linguists, for the present, can be best employed.

Such, in general terms, are the duties which it appears most expedient to entrust to the Linguists, and, apart from pointing out that the senior Linguist in an office should take charge of and superintend the work of the others generally, I think it best to leave it to each Commissioner to make such arrangements for work as the nature and requirements of his office, as well as the acquirements or want of acquirements of Foreign and Native employés may seem to demand.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR NO. 15 OF 1868 (FIRST SERIES).

**Marine Department:—Divisional Inspectors,
appointment and duties of.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 25th May, 1868.

SIR,

1.—Having reference to my Circular No. 10 relative to the organisation of the Marine Department, I have now to inform you that I have appointed Captains J. M. Hockly, A. M. Bisbee and S. A. Viguier, to be Divisional Inspectors for the Central, Southern and Northern Sections.

2.—Captains Hockly, Bisbee and Viguier, will reside at Shanghai, Foochow and Chefoo, and each will visit the other ports in his section at such times as special occurrences or the instructions of this office may require; while ranking with but after the Commissioner of Customs, each will for the time being be subordinate to the Commissioner or Acting Commissioner in charge of the port at which he may be present.

3.—The Divisional Inspectors will make their first visits to their ports in June and July, in order to ascertain the condition of the Harbour Master's Department, and study for themselves the wants of the ports generally. I have therefore to request that you will at once instruct the Harbour Master to prepare such Memoranda as he may consider necessary, explanatory of the nature and peculiarities of the port, and suggesting such works as are supposed to be calculated to improve it and its approaches, and render the navigation of its adjacent waters in all respects safe; these Memoranda are to be handed to the Divisional Inspector on arrival, and he is likewise to be furnished with copies of such papers as may be in your archives relative to the district, port, and anchorage, in order that he may obtain as full an acquaintance, as the time will admit of, of the places under his supervision. I have further to request that you will introduce the Divisional Inspector to such persons at your port as are likely to be able to give him information on subjects connected with his duties, and that you will do all in your power generally to assist him in his surveys and researches, and in making such arrangements as shall be at once creditable to the Department and really advantageous to the public.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 17 OF 1868 (FIRST SERIES).

Guarantees for Import Duties, only to be accepted under certain exceptional circumstances, and when properly signed, with sureties.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 29th May, 1868.

SIR,

1.—In order to facilitate the transaction of business, and expedite the movements of shipping, I have at different times authorised

Commissioners at certain ports to accept guarantees for the payment of duties. The advantages of such a concession, more especially as regards steamers, are too great to need comment, and too evident to require to be specified. A question, however, has been put to me, as to the Commissioner's personal liability, and it has been suggested that some regulations should be drawn up relative to such guarantees, so as to subject them to rule rather than caprice, and in order that they may be everywhere dealt with in a uniform manner, and hold such a recognised position as shall define the responsibilities of all concerned. The necessity of acting on this suggestion has become more apparent since the failure of a firm at Takow,—at a time when some two thousand taels were due to the Customs as duties on goods which had been passed under its guarantee,—has placed the acceptors of the guarantee in the position of sureties, and has made them liable to the Board of Revenue for the amount guaranteed. I have accordingly to request that you will be guided for the future, in respect of guarantees, by the rules set forth in paragraph 2.

2.—The simple object of all such guarantees is to expedite the departure of vessels by granting their clearances before all duties have been paid. The guarantee is simply a promissory note; but the position of the Customs in accepting that note, differs entirely from that of private individuals in similar circumstances. Private persons judge for themselves as to the nature of the security to be required from individuals, and they take a man's word, require his signature, or call for the signature of sureties, without exposing themselves to any charge on the score of unfairness or personal bias; the Customs' Establishment,—a public office,—cannot act thus, and were it to make differences in respect of the guarantees it accepts, the public would not be slow to charge it with partiality, and to grumble at its decisions. Just, therefore, as the strength that is to be depended on in a chain is the strength of its weakest link, so the rules to be followed in respect of guarantees must be drawn up with a view to their adaptation to guarantees of the most questionable sort, and in that way be suited to all cases, and applied equally and alike under all circumstances.

1°. Whenever the consignee of a ship, in lieu of payment of dues or duties, proposes a guarantee, that guarantee, in addition to being signed by the merchant or firm proposing it, must be signed by two sureties, the one to be a merchant or firm of undoubted solvency, and the other the Consul (who entered the ship) in his official capacity; the guarantee must also bear the Consular seal.

2°.—A guarantee for the payment of duties must be to the effect that the goods, when goods are concerned, shall be held subject to the Customs' order by the guarantor, and that the payment, whatever that payment may be, shall be made within 24 hours.

3°.—Guarantees shall not be accepted for the Tonnage Dues of sailing vessels or for the exports of sailing vessels or steamers; they may be accepted for the Tonnage Dues and Imports of steamers, and for those of the Imports of merchant vessels for which consignees have not come forward.

4°.—For the Imports of steamers plying regularly from Hongkong to Foochow, or from Shanghai to Tientsin, guarantees as a rule may be accepted on the upward (Northward) trip at the intermediate ports Swatow and Amoy, and Chefoo; on the downward trip (Southwards) they are not to be taken except in cases of special emergency, *e.g.* where a refusal to accept them would occasion such a delay as would clearly be fatal to the special object to be attained by quick despatch.

5°.—Generally speaking duties ought to be collected as provided by Treaty (on Imports at the time of landing, on Exports at the time of shipment, and Tonnage Dues within 48 hours from arrival), and guarantees ought to be accepted only under special circumstances: the one (the Treaty provision) is to guide as a rule, the other (the guarantee concession) is never to be resorted to save as an exception. The seldomer a guarantee is accepted, therefore, the better, and, save in those cases provided for in rule 4°, recourse ought not to be had to such guarantee where there is not an almost absolute necessity for exceptional action.

6°.—When a vessel is allowed to leave before having paid all dues and duties, that is to say, having paid some and merely guaranteed the payment of others, her accounts are not to be closed; a temporary clearance in English, certifying that so much has been paid as duty, and that a guarantee is held for the payment of so much more, signed by the Commissioner, is to be issued; the accounts are to be closed and the Grand Chop to be applied for and handed to the Agent of the vessel, and the guarantee cancelled, on the payment of the guaranteed amounts.

7°.—Any one who fails to make good his guarantee within the time allowed, may, at the discretion of the Commissioner, be refused a like accommodation for the future.

3.—The rules which precede will, I trust, meet all possible cases; the guarantee is only to be resorted to in an emergency, and as an exceptional measure; recourse to it in accordance with the rules notified will supply the public with all the facilities and advantages they can fairly demand, and will, at the same time help to guide the Commissioner's action when, in the exercise of his discretion, he considers a guarantee called for and allowable. The Commissioner who accepts a guarantee, will be held responsible for the amount, if he fails to comply with the rules laid down for his guidance; he must, therefore, be careful to see, first of all, that the case is an exceptional one and requires recourse to a guarantee,—secondly, that the guarantee is properly worded, signed and sealed,—and, lastly, that it is discharged within the time allowed, or, failing that, that steps are at once taken for its enforcement, and the like privilege refused to the defalcants for the future.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 19 OF 1868 (FIRST SERIES).

**Joint-Investigation Rules, enclosing copy of, with explanations
and instructions regarding.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 15th June, 1868.

SIR,

1.—The various Treaties concluded between China and Western Powers provide that the Chinese Authorities shall adopt the means they may judge most proper to prevent the revenue from suffering by fraud or smuggling, and, to that end, rules and regulations have, from time to time, been drawn up, and penalties, in addition to those for which the Treaties make specific provision in the text, have been enacted for their non-observance. The Treaty legislation has, however, been in so far defective, in that it fails to provide any proper machinery, or court of enquiry for the establishment or disproof of charges of breach of regulation, and it has therefore been usual for the Chinese Authorities to seize and

detain, and subsequently release or confiscate, on the one hand without public examination, and on the other with merely an interchange of despatches between the Superintendent and the Consul. The absence of public enquiry has made it possible to raise a complaint that full hearing is denied to the accused, and the settlement of cases of confiscation and fine by a mere interchange of despatches has unhappily, but not unnaturally, sometimes tended to make the writers more anxious to uphold their own action, than to discover the facts and do justice. Personally, I have always been opposed to the "mutual correspondence system," and, conscious of its faults and witnessing its incompleteness, have constantly endeavoured, since my connection with the Customs commenced, to substitute for it a system of con-joint investigation, in which the charge should be openly made, witnesses confronted, evidence sifted, and judgment given, after a full and public hearing, in a fair and open court. In 1864, I had the satisfaction of being able to induce the Chinese Authorities to attempt the plan of joint-investigation at Shanghai as an experiment, and, towards the close of 1867, I obtained authority to extend the Four Rules drawn up for trial at Shanghai, to all the open ports. Just as I was about to notify that extension, the British and United States' Ministers, to whom it had been communicated by the Yamén, proposed that the original four rules should be added to, and, that proposition having been considered and assented to, I have now the gratification of being able to make known to you a set of rules entitled 'Rules for joint-investigation in cases of confiscation and fine by the Custom House Authorities, etc.,' in which provision is made for a proper, formal, and public trial in every case of alleged breach of regulations. I now proceed to advert to such points in those rules, eight in number, as seem to me to most call for explanation or notice.

2.—The principle underlying these Rules is this: that there shall be an opportunity for a full enquiry in open court into any case of alleged breach of regulations, and that as the penalties for such breaches are of two kinds, Confiscation and Fine, of which the first is within the power of the Chinese Authorities to effect, while the latter can only be applied by the Foreign authority, the cases to be tried shall be divided into two sets in accordance with the penalty involved, so that those which involve Confiscation are to be tried at the Custom House, where the Consul will have a seat on the bench, while those that involve Fine will be heard at a Consulate, where the Commissioner is, in turn, to have a seat. The second, third, fourth and fifth Rules regulate the procedure in confiscation cases, and are, with a few verbal alterations, the same that were

drawn up for Shanghai in 1864. The sixth Rule regulates the procedure in cases involving fine as the penalty. The fifth and eighth Rules complement those just alluded to, and provide for the release of ship or goods under bond in disputed cases, and for the fixing of the value that is to appear on the face of the bond. The seventh Rule has nothing to do with confiscation or fine, but regulates the procedure and fixes the steps to be taken, when there is any dispute as to the payment of duties. The first of the eight regulations to some extent explains the position of the Commissioner of Customs, in so far as it provides that it shall be the rule for all business connected with the Custom House Department to be, in the first instance, transacted between the Commissioner and the Consul, personally or by writing.

3.—It will be observed that the eight rules are not as yet arranged in a very orderly manner, but it is to be remembered that they are to be tried for a year before being finally adopted, and that it is desirable to adhere to the original four rules as closely as possible. At some future time, the rules will be re-cast, added to, and perfected.

4.—The object of the first rule, providing for the transaction of business between the Consul and the Commissioner, is chiefly to facilitate the transaction of business, by doing away with the circumlocution under which, hitherto, the Consul has applied to the Superintendent, and the latter to the Commissioner. The Commissioner's right to transact business is thus more clearly established, and placed above question; but the full recognition of that right, necessarily, clothes the Commissioner with a recognised responsibility—a responsibility which he has heretofore had *vis à vis* the Chinese Authorities, but which he now for the first time is seen to bear in respect of the general public in the performance of his duties. Of the manner in which business has on the whole been conducted by the Commissioners generally, I have nothing but praise to say, and their relations with the Chinese Authorities, Foreign officials, and general public, have been, on the whole, in very fair conformity with the suggestions made for their guidance in Circular No. 8 of 1864. In one respect, however, I have more than once been disappointed: sometimes, where Commissioners have had differences of opinion with officials or public at their port, they have failed to consider whether the point contested was worth contesting, and have been thus led to argue where argument, even when successful, could effect nothing of value, to take up positions from which retreat was impossible, and to initiate ill-feeling where good humour ought to have reigned. That quiet discretion which

can afford not to see, and which is resolved not to take offence, and which can calmly weigh the relative merits of advancing and retiring, has too often disappeared in the desire to make good one's point,—a desire which, where successful, has not unfrequently gained a worthless victory at a ruinous expense. I do not like to allow the present opportunity of calling attention to this to pass unavailed of, and, while adverting to it, I must again repeat what I tried to make plain in 1864, that, in dealings with the mercantile public, our aim should be to interfere as little as possible with their way of doing things, and to facilitate as much as possible the general transaction of business,—in dealings with Foreign officials, we should so act that our existence may be considered by them a good, rather than an evil,—and, in dealings with the Chinese Authorities, we must remember that we are not to adopt the tone of the Foreign official, but are to arrange all matters in a good-natured and friendly way, and that, where their consent to proposed arrangements cannot be gained, no attempt is to be made to coerce them, and the matter in hand must then be referred to this office. The direct and recognised relations, into which the Commissioners will now be brought with Consuls, will render more than ever necessary extreme care to refrain from acting in such a way as to exceed one's powers, or undertake improper responsibilities, and, in replies addressed to their communications, you will be careful to say,—not that you will refer or have referred the matter to the Superintendent for his decision, for that would be equivalent to a recognition of the Superintendent's superiority and a disavowal of the Commissioner's proper responsibility, but—that having consulted with the other Custom House Authorities, you have to reply in such and such a sense. Your chief aim, generally speaking, ought to be to make matters go on quietly at the port, and avoid as much as possible reference to Peking, so long as local regulations are complied with and treaty stipulations observed. Of course, this office ought to be kept well informed of all that occurs at each port; but in cases of dispute, where harmful precedents are not set by complete departure from rule and principle, an equitable settlement, where possible, ought to be effected locally.

5.—The 2nd, 3d, 4th, and 5th rules, relative to the procedure in confiscation cases, are sufficiently plain.

When a seizure is made, the Commissioner is to inform the parties concerned, that, if satisfactory explanations are not given within six days, the goods will be confiscated. If the parties concerned appear at the office, and give explanations of a kind satisfactory to the Commissioner, he may release the goods; if the

explanations are not satisfactory, he is then to report the case to the Superintendent with his reasons for regarding the explanations as unsatisfactory; (the procedure just indicated differs slightly from that provided in the second Rule, but it will be best to adopt it, and thus avoid a conflict of views with the Superintendent as to the treatment of cases that the Commissioner thinks ought to be dismissed;) on the receipt of a requisition for a public enquiry from the Consul concerned, a day is to be appointed for the hearing of the case at the Custom House.

The enquiry will be conducted by the Superintendent assisted by the Commissioner, and the Consul will take his seat with them on the bench. If the Consul and Superintendent agree to confiscate, the decision is to be given effect to without appeal; if they agree to liberate, the goods are to be released without claim for detention, demurrage or loss of market; if they differ in opinion, the case is to be referred by Superintendent and Consul to the Authorities at Peking,—that is, to the Yamên and Minister respectively, and a full copy of the proceedings is, at the same time, to be sent to the Inspector General by the Commissioner. In cases of appeal to Peking, the ship or goods may be released, bail being given by the execution of a sufficient bond for the full value—that bond to be lodged with the Customs; if the decision should eventually be against the defendant, the bond is to be enforced through the Consul in the usual way; if the decision should be in his favour, the bond is to be destroyed; the defendant is without claim for damages of any kind, even though his ship or goods, bond not having been given, may have been under detention pending the appeal.

6.—Rule VI. prescribes the action to be taken where the offence is one punishable by fine, and not by confiscation.

In all such cases, the Commissioner of Customs is to cause a plaint to be lodged at the Consulate concerned—*i.e.* the Consulate holding jurisdiction over the person punishable or responsible for the offence. The Consul will fix a day for the trial, and will himself conduct the enquiry; the Commissioner is to take his seat on the bench, and is to conduct the prosecution. If the Commissioner agrees with the Consul's decision, the case there terminates; if he dissents from it, he is to acquaint the Superintendent, supplying him with a copy of the proceedings (*i.e.* a Chinese version of the record), and Consul and Superintendent are then to refer the matter to Peking, and the Commissioner is to furnish this office with a copy of the proceedings and of all papers bearing on the case. Where there is an appeal, the defendant is to lodge a bond for the amount

prescribed by regulation as the penalty for the offence, and any property detained is to be released.

7.—The proceedings to be taken in cases of Confiscation and Fine are thus simple and intelligible, and, in connection with them, and the general working of the system of con-joint investigation, I have only to request you to keep the following points in mind:—

1°.—Superintendent, Commissioner or Consul may appear and act personally or by deputy.

2°.—The chief object of public enquiry is to ascertain the real facts of each case, and do justice.

3°.—It is desired that cases should be settled locally, and that appeals should be of rare occurrence.

4°.—The fullest allowance is to be made for extenuating circumstances in defendant's favour.

5°.—The utmost attention is to be given to the Consul's objections to the Superintendent's decision in Confiscation cases, and, in Fine cases, the Commissioner is not to dissent from the Consul's decision except for very sufficient reasons.

6°.—No case ought to be sent on as an appeal to Peking, in which the Customs' authorities cannot feel certain of the goodness of their cause.

7°.—Every publicity is to be given to all proceedings.

8°.—Where the violation of regulation is inexcusable, the heaviest penalties are of course to be enforced; but, as a rule, it is to be kept in mind that it is bad policy to withdraw capital from active circulation by heavy fines or confiscations.

These points, to which I now call your attention, are not rules; they are simply points to be kept in remembrance, and to serve as guides in the general carrying out of the system of con-joint enquiry.

8.—As regards Chinese offenders, a notice ought to be kept constantly posted at the Customs, to the effect that you have been instructed by the Inspector General to state that every Chinaman, whose goods are seized, ought to appear personally, or, by dropping a petition into a box to be placed at the Gate (by which the squeezes of underlings will be prevented), obtain a hearing, and have his case enquired into fully by the Commissioner. Great care should always be taken to let Chinese see, that they are not treated in an off-hand, inconsiderate, domineering, or arbitrary manner; explanations ought to be listened to, extenuating circumstances allowed for, and full opportunity given for defence.

9.—As regards Foreigners belonging to non-treaty powers, their case may be arranged through whatever Treaty Power Consul they elect to appeal to.

10.—Rule VII. provides for appeal to Peking in those cases in which the payment of duty is disputed. The merchant is to lodge a Bond for the amount, and the duty is to remain uncollected until the decision of the Peking Authorities is made known. The Superintendent and Consul are to report the case in appeal to their superiors, and the Commissioner is, in like manner, to make a report to this Office.

11.—Rule VIII. is intended to provide for those cases in which, in making out bonds, the Customs' Authorities may consider the merchant is putting too low a value on the property to be released under bond. The rule allows the merchant to give his own valuation but with a proviso, viz: that the Customs may take over the property at the value specified by the merchant. Such a rule could not fail to check undervaluation. It is, however, thought that law will not admit of its enforcement absolutely and in all cases, and in the meantime, I have to instruct you *not to act on it until* you shall have again heard from me on the subject.

12.—The rules now issued and above commented on are neither perfect nor symmetrical; they will serve, however, to commence a kind of action which cannot fail to be acceptable to the public, and beneficial to the Customs' Service. Hitherto, it has been constantly objected to us, that we have had a personal interest in fines and confiscation,—that our action has been capricious, arbitrary, domineering, and afraid of facing the light,—and supposed offenders have had no opportunity given to them to say a word in their defence, and the full weight of the odium that attaches to fine and confiscation has fallen on our shoulders. Henceforth, however, a fair trial will be given to all who seek it,—publicity will be given to every proceeding—no one will be condemned or punished save by the consent of his own authorities,—the charges against Customs' action will disappear,—and the odium attending punishment will not fall on us.

13.—Where provision is thus made for public trial, there can be no longer objection to the appropriation of part of the proceeds of confiscation or fine; and I, therefore, now sanction the payment to the seizing officer of *One-tenth* of the amount realised, provided he belong to the Out-door Staff; neither Commissioner nor Clerk has shared in the proceeds of confiscations or fines during the last eight years, and neither one nor other will be authorised to receive any pecuniary benefit from such sources.

14.—At the end of each quarterly report on trade, a précis of the cases of fines and confiscations for the quarter is to be appended for publication in the *Customs' Gazette*. The précis is to give date, name, vessel, offence, name of seizing officer, goods, sentence, sum realised, and sum paid to seizing officer.

15.—In conclusion, I have merely to say that I rely on your good sense to endeavour to work harmoniously with Consular officials; by being fair and open, and not unnecessarily harsh, you will best promote the interests of both the mercantile public and the Customs' Service.*

I am, etc.,

(signed) ROBERT HART,
I.G.

* These Joint Investigation Rules remained in force till shortly after the restoration of tariff autonomy in 1929, when the position was taken by the Customs that these Rules should be regarded as in the discard, and that any diplomatic issue thereby raised should be left to the Governments concerned. In reply to an inquiry from the U.S.A. Legation in July 1932 the Government ruled that the Joint Investigation Rules of 1868 are no longer in force (*vide* Circular No. 4468). The place of the joint court provided for by these discarded rules has now been taken by the Penalty Board of Inquiry and Appeal, established by the Government in November 1934 (*vide* Circular No. 4998), to which, in Customs cases of penalties imposed, any applicant, if dissatisfied with the Inspector General's decision, has the right to appeal.

When a seizure is made, the Commissioner will inform those interested, who may then make their explanations in person, or, through the Consul, demand a public investigation.

Whenever a ship or goods belonging to a foreign Merchant is seized in a port in China by the Custom House Officers, the seizure shall be reported without delay to the Kien-tuh, or Chinese Superintendent of Customs. If he considers the seizure justifiable, he will depute the Shwui-wu-sze, or foreign Commissioner of Customs, to give notice to the party to whom the ship or goods are declared to belong, that they have been seized because such or such an irregularity has been committed, and that they will be confiscated, unless, before noon on a certain day, being the sixth day from the delivery of the notice, the Custom House Authorities receive from the Consul an official application to have the case fully investigated.

The Merchant to whom the ship or goods belong, if prepared to maintain that the alleged irregularity has not been committed, is free to appeal, within the limited time, directly to the Commissioner, who is to inform the Superintendent. If satisfied with his explanations, the Superintendent will direct the release of the ship or goods; otherwise, if the Merchant elect not to appeal to the Customs, or if, after receiving his explanations, the Superintendent still decline to release the ship or goods, he may appeal to his Consul, who will inform the Superintendent of the particulars of this appeal, and request him to name a day for them both to investigate and try the case publicly.

RULE III.

一 凡監督接到領事官來文照覆定期何日
到關當堂晤會領事官諭飭該商是日統
帶見證各人等赴關是時領事官親身來
關上堂監督請其同坐該稅務司亦當在
坐相幫監督監督先令海關原擎船貨人
役將如何扣留情節稟明監督監督按照
情節隨時詰問凡如該商尚有辯駁情節
准其當堂稟明領事官領事官即代爲逐
一詰問以期得實而杜偏累設若監督領
事官欲不親赴海關亦可遣員代往所有
辦法一律相同

On the Consul's requisition, the Superintendent will hold a Court, at which the Consul will be present, for the investigation and settlement of the case.

The Superintendent, on receipt of the Consul's communication, will name a day for meeting at the Custom House; and the Consul will direct the Merchant to appear with his witnesses there on the day named, and will himself on that day proceed to the Custom House. The Superintendent will invite the Consul to take his seat with him on the bench; the Commissioner of Customs will also be seated to assist the Superintendent.

Proceedings will be opened by the Superintendent, who will call on the Customs' Employés who seized the ship or goods to state the circumstances which occasioned the seizure, and will question them as to their evidence. Whatever the Merchant may have to advance in contradiction of their evidence he will state to the Consul, who will cross-examine them for him. Such will be the proceedings in the interest of truth and equity. The Consul and Superintendent may, if they see fit, appoint deputies to meet at the Custom House in their stead, in which case the order of proceeding will be the same as if they were present in person.

RULE IV.

一 詢問之間所有關役商證人等口供隨時抄錄監督
領事各爲畫押蓋印時令全案人證退去監督面告
領事官可否如何辦理或該船貨領事以爲應放而
監督不以爲然又准該商任意上控具稟領事官行
知監督均卽各將案情抄錄蓋印申請總理衙門與
駐京大臣查核定奪倘監督不肯釋放船貨領事官
以爲然該商不准上控稟請轉詳再該船貨或經海
關當堂詢問或經兩國
總理衙門核定應行釋放均不能以原被扣留請索
賠償

When the Consul and Superintendent agree to confiscate, the Merchant will have no appeal; when the Consul dissents from the Superintendent's views, the case will be referred to the Superior Authorities at Peking. No claim for compensation.

Notes will be taken of the statements of all parties examined, a copy of which will be signed and sealed by the Consul and Superintendent. The room will then be cleared, and the Superintendent will inform the Consul of the course he proposes to pursue. If he proposes to confiscate the vessel or goods, and the Consul dissents, the Merchant may appeal; and the Consul, having given notice of the appeal to the Superintendent, they will forward certified copies of the above notes to Peking,—the former to his Minister, and the latter to the Foreign Office for their decision.

If the Consul agrees with the Superintendent that the ship or goods ought to be confiscated, the Merchant will not have the right of appeal; and in no case will the release of ship or goods entitle him to claim indemnity for their seizure, whether they be released after the investigation at the Custom House, or after the appeal to the High Authorities of both nations at Peking.

RULE V.

一

稟	准	船	倘	數	定	貨	該	結	日	斷	案
請	誰	貨	該	入	後	先	關	由	後	准	情
賠	是	扣	商	官	或	行	卽	領	情	該	既
補	誰	留	不	再	罰	發	由	事	願	商	各
	非	無	肯	行	銀	還	監	官	遵	按	詳
	不	論	具	飭	多	俟	督	蓋	斷	估	請
	准	大	結	商	少	大	將	印	繳	價	大
	該	憲	卽	遵	或	憲	該	交	案	出	憲
	商	定	將	照	全	斷	船	存	切	具	定

When there is an appeal, the property may be released under Bond; where appellant refuses to execute a Bond, he cannot claim any indemnity.

The case having been referred to superior authority, the Merchant interested shall be at liberty to give a Bond, binding himself to pay the full value of the ship or goods attached, should the ultimate decision be against him; which Bond, being sealed with the Consular seal, and deposited at the Custom House, the Superintendent will restore to the Merchant the ship or goods attached; and when the Superior

Authorities shall have decided whether so much money is to be paid or the whole of the property seized be confiscated, the Merchant will be called on to pay accordingly. If he decline to give the necessary security, the ship or merchandize attached will be detained. But whether the decision of the Superior Authorities be favorable or not, the Appellant will not be allowed to claim indemnity.

RULE VI.

一凡各口指謂商人犯章其所犯之條並非船貨入官係按約按章應罰銀兩者稅務司一面知照監督一面遣人在領事官署內立案由領事官定期訊斷定期後應先知照稅司屆期傳集人證或稅司本人或委員即在坐指證如訊明該商實有應罰之處如條約章程內載有銀兩之數目即由領事官按其數斷令交出或可從寬辦理則其權屬在該關即由監督會同稅司自定可也倘查明該商實無應罰之處稅司亦無異言如有船貨因此案留滯者可一同開放仍將案情知照監督不得耽延時日致該商稍有費用該商不得索賠延擱貿易銀兩亦不得索賠一切水脚費用等項若稅司與領事官意見不合即行知會監督一面抄錄全案各詳

總理衙門
駐京大憲
查核當尚未定案之時貨主亦應一律將擬罰銀數出具日後情願遵斷繳案

切結送交領事官由領事官行文知照監督始准該商船貨先行開放

When the irregularity is one punishable by Fine, the Commissioner will enter a plaint at the Consulate, and the Consul will hold a Court, the Commissioner being present, for the investigation and settlement of the case. When the Commissioner dissents from the Consul's views, the case will be referred to the Superior Authorities at Peking.

When the act of which a Merchant at any port is accused is not one involving the confiscation of ship or cargo, but is one which, by Treaty or Regulation, is punishable by Fine, the Commissioner will report the case to the Superintendent, and at the same time cause a plaint to be entered in the Consular Court. The Consul will fix the day of the trial, and inform the Commissioner that he may then appear with the evidence and the witnesses in the case. And the Commissioner, either personally or by deputy, shall take his seat on the bench, and conduct the case on behalf of the prosecution.

When the Treaty or Regulations affix a specific fine for the offence, the Consul shall on conviction give judgment for that amount, the power of mitigating the sentence resting with the Superintendent and Commissioner. If the Defendant is acquitted, and the Commissioner does not demur to the decision, the ship or goods, if any be under seizure, shall at once be released, and the circumstances of the case be communicated to the Superintendent. The Merchant shall not be put to any expense by delay, but he shall have no claim for compensation on account of hindrance in his business, for loss of interest, or for demurrage. If a difference of opinion exists between the Commissioner and Consul, notice to that effect shall be given to the Superintendent, and copies of the whole proceedings forwarded to Peking for the consideration of their respective High Authorities. Pending their decision, the owner of the property must file a Bond in the Consular Court to the full value of the proposed fine, which will be sent to the Custom House Authorities by the Consul, and the goods or ship will be released.

RULE VII.

如有監督領事官不能自
定應徵應免之事均須援
照本章程第五款所載亦
令該商出具日後願遵斷
繳案切結由領事官蓋印
送交監督存案卽由監督
先將該商貨物暫時免稅
放行一面將此案情形各
詳

總理衙門
倘日後斷定實
駐京大憲

係應免之稅該監督卽將
原結發還領事官查銷如
斷定實係應納若干稅項
之物該領事官卽飭該商
赴關按數完稅銷結

Disputed Duties to be temporarily uncollected, and goods to be returned under Bond, pending reference to Peking.

If the Custom House Authorities and Consul cannot agree as to whether certain Duties are leviable or not, action must be taken as Rule V. directs, and the Merchant must sign a Bond for the value of the Duties in question. The Consul will affix his seal to this document, and send it to the Custom House Authorities, when the Superintendent will release the goods without receiving the Duty; and these two functionaries will respectively send statements of the case to Peking,—one to his Minister, the other to the Foreign Office.

If it shall be decided there that no Duty shall be levied, the Custom House Authorities will return the Merchant's Bond to the Consul to be cancelled; but if it be decided that a certain amount of Duty is leviable, the Consul shall require the Merchant to pay it in at the Custom House.

RULE VIII.

收	即	即	原	日	准	惟	章	駐	總	者	一
贖	作	將	銀	後	由	所	程	京	理	監	凡
以	爲	原	如	斷	該	估	第	大	衙	督	有
昭	船	結	數	定	關	數	五	憲	門	與	洋
核	貨	送	呈	船	酌	目	款	核	斷	領	商
實	賣	還	繳	貨	核	恐	估	當	尚	事	或
	價	領	銷	實	情	多	價	未		官	船
	該	事	結	應	形	寡	具	定		意	或
	商	官	若	入	亦	不	結	案		見	貨
	得	發	斷	官	可	符	由	之		未	應
	再	商	定	即	按	即	領	時		合	入
	持	完	船	飭	價	按	事	該		案	官
	收	案	貨	該	收	該	官	商		情	或
	買	所	實	商	買	商	蓋	應		既	船
	原	有	應	將	倘	自	印	援		各	貨
	銀	收	釋	關	經	稱	交	照		詳	均
	赴	買	放	上	收	定	存	本			應
	關	原	該	收	買	價	督				入
		銀	關	買	後	爲					官

When valuations are disputed, the owner's value is to be taken as the correct one; but the Custom House is to have the option of retaining the ship or goods at that valuation. If the Consul and the Custom House Authorities cannot agree as to whether confiscation of a ship, or a cargo, or both of them together, being the property of a foreign Merchant, shall take place, the case must be referred to Peking for the decision of the Foreign Office, and the Minister of his nation. Pending their decision, the Merchant must, in accordance with Rule V., sign a Bond for the amount, to which the Consul will affix his seal, and send it for deposit at the Custom House.

As difference of opinion as to the value [of ship or goods] may arise, the valuation of the Merchant will be decisive; and the Custom House Authorities may, if they see fit, take over either at the price aforesaid.

If after such purchase it be decided that the property seized ought to be confiscated, the Merchant must redeem his Bond by paying in at the Custom House the original amount of the purchase-money. If the decision be against confiscation, the Bond will be returned to the Consul for transmission to the Merchant, and the case then be closed. The sum paid by the Custom House Authorities for ship or goods being regarded as their proper price, it will not be in the Merchant's power, by a tender of the purchase-money, to recover them.

CIRCULAR No. 24 OF 1868 (FIRST SERIES).

False Manifests, penalty for, not to exceed Tls. 500. Arrangements with Prussian and American Ministers.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 12th September, 1868.

SIR,

1.—Having reference to Article XIII. of the Prussian Treaty, in which shipmasters are directed to hand in manifests, but which is silent on the subject of penalties for false manifests, I have to inform you that the Yamèn addressed a despatch to the Prussian Minister in January last relative to the omission, and that a reply has now been received from His Excellency, stating that his Government has agreed to the adoption of a rule for the punishment of false manifests. I enclose in Chinese, German and French, true copies of the rule agreed to, as communicated to and accepted by the Yamèn.

2.—You will observe that:—

1°.—Twenty-four hours are to be allowed for correction of Manifests.

2°.—There is to be a joint-enquiry into any charge of false manifest (to be conducted in accordance with Rule VI. of the Joint-investigation Regulations).

3°.—The fine is to be in proportion to the offence, but is not, in any case, to exceed 500 taels.

4°.—In the event of difference of opinion, the case is to be referred to Peking, to be settled by the Prussian Minister, and the Inspector General of Customs.

3.—I have also to call your attention to the fact that the acceptance of this rule by the Yamèn modifies the rules contained in the other treaties on the same point. The other treaties prescribe a fine of "500 taels" for the offence of presenting a false manifest; the rule now notified prescribes a fine "not exceeding 500 taels." In any case of false manifest, therefore, no matter what may be the nationality of the ship, you will remember that the fine is to be in accordance with the circumstances of the case, and that it may be fixed at any amount under, but is never to exceed the sum of 500 taels.

4.—A manifest ought to supply such a description of the cargo as shall enable the Customs to recognise the packages of which that cargo is composed. It ought therefore to be correct in respect of the marks and numbers of each package, and the total number of the packages on board; furthermore, where possible, *i.e.* where the Bills of Lading have specified the contents, the manifest ought to set forth the nature of the contents of each package. A shipmaster ought always to know how many packages the cargo consists of, and be able to supply the Customs with the information possessed by himself, and acquired from his Bills of Lading. What is wanted from a manifest is thus a general description of the nature of the cargo, and a special account of the total quantity, with such a correctly made out detailed list of the several packages, and the marks and numbers of each, as shall enable the Customs to identify each package.

5.—I further enclose for your archives copy of a notice addressed to Consuls by order of the former U.S. Minister, His Excellency the Hon. Anson Burlingame, instructing them to be guided by the 37th Art: British Treaty, in respect of penalties for false manifests; and copy of a despatch from Mr. Seward, Secretary of State, confirming the same.

6.—In conclusion, I have to request that you will be at pains to make allowance for mistakes, when an explanation that can fairly be accepted is tendered. I have no desire to have the Confiscation Fund swollen with monies accruing from fines and confiscations, and would prefer to see such capital circulating healthily. Where the offence is clearly deserving of punishment, let it be punished; but take care to let the penalty be in proportion to the offence.

I am, etc.,

(signed) ROBERT HART,
I.G.

ENCLOSURES. (*Copies.*)PEKING, *den 2ten September*, 1868.

Nachdem der Unterzeichnete der Regierung Seiner Majestät des Königs von Preussen Kenntniss der Note gegeben welche Seine Kaiserliche Hoheit der Prinz Kung und Ihre Excellenzen die mit der Verwaltung der Auswärtigen Angelegenheiten beauftragten Minister in Betreff des Artikels 13 des zwischen den Staaten des Zollvereins, den Grossherzogthümern Mecklenburg-Strelitz und Mecklenburg-Schwerin, sowie den Hanse Städten Lübeck, Bremen und Hamburg einerseits und China anderseits am 2ten September, 1861, abgeschlossenen Vertrages an ihn gerichtet und in der Sie auf die Nothwendigkeit hingewiesen haben, diejenigen Schiffs-Capitäne, welche falsche Manifeste einreichen, mit einer Geldstrafe zu belegen, wie dies die von andern Nationen mit China abgeschlossenen Verträge bestimmen, hat derselbe Befehl erhalten, zu erklären, dass der Norddeutsche Bund und diejenigen Staaten des Zollvereins, welche nicht zu demselben gehören, im Prinzip Ihre Zustimmung zu dem Vorschlage der Chinesischen Regierung geben und damit einverstanden sind, dass die Schiffs-Capitäne, welche falsche Angaben über die Qualität und Quantität der Waaren machen einer Geldstrafe verfallen, mit dem ausdrücklichen Vorbehalte, dass die Geldstrafe in jedem einzelnen Falle nach der Wichtigkeit der Contravention bemessen werde und jedenfalls nicht die Summe von Taelen 500 übersteige. Dabei ist wohlverstanden, dass keine Strafe eintritt, wenn der stattgehabte Irrthum binnen 24 Stunden berichtigt wird.

Was das in Beziehung auf die falschen Manifeste zu beobachtende Verfahren betrifft, so ist die Geldstrafe erst dann als rechtskräftig anzusehen, wenn das Urtheil von einer gemischten Commission gefällt ist, bestehend aus einem Delegirten des Chinesischen Zollhauses und einem Delegirten der Deutschen Consular Behörde des Hafens, in welchem das Vergehen stattgefunden hat. Sollten diese Delegirten sich nicht einigen können, so ist der Fall zur Kenntniss des General Zolldirectors zu Peking und des Gesandten des Norddeutschen Bundes zu bringen, welche dann gemeinschaftlich die Entscheidung herbeiführen.

Der Ausserordentliche Gesandte und Bevollmächtigte Minister des Norddeutschen Bundes.

(gezt.,) REHFUES.

[L.S.]

PEKIN, *le 2 Septembre*, 1868.

Le soussigné ayant rendu compte au Gouvernement de sa Majesté le Roi de Prusse de la communication que Son Altesse Impériale le Prince Kung et Leurs Excellences les Ministres chargés des affaires Etrangères lui ont faite relativement à l'article 13 du traité conclu entre les Etats du Zollverein, les Grands duchés de Mecklenburg-Strelitz et de Mecklenburg-Schwerin, et les villes libres et anséatiques de Lubec, Brême, et Hamburg d'une part et la Chine de l'autre part le 2 Septembre 1861, et à la nécessité de frapper d'une amende les Capitaines Marchands qui présentent des faux manifestes, ainsi que cela est stipulé dans les traités conclus par d'autres nations avec la Chine, a reçu ordre de déclarer que la confédération de l'Allemagne du Nord et les Etats du Zollverein qui no font pas partie de cette confédération consentent en principe à la proposition du Gouvernement Chinois, et veulent bien admettre une amende toutes les fois qu'un Capitaine marchand aura fait une fausse déclaration sur la qualité ou la quantité des marchandises, sous la condition cependant que cette amende sera calculée d'après l'importance de chaque contravention et ne pourra excéder la somme de 500 Taels. Il est également sousentendu qu'il n'y aura pas lieu de poursuivre du chef de faux manifeste dans les cas ou l'erreur aura été corrigée dans les 24 heures qui ont suivi la fausse déclaration.

Quant à la procédure à suivre dans les cas de fausse déclaration, il est convenu que l'amende ne pourra être réputé valable qu'après jugement rendu par un Commission mixte, composée d'un délégué de la Douane Chinoise et d'un délégué de l'autorité Consulaire Allemande du port où la contravention a eu lieu. Dans les cas où ces délégués ne tomberaient pas d'accord, le jugement serait remis à l'Inspecteur Général des Douanes Maritimes à Pekin et au Ministre de la Confédération de l'Allemagne du Nord qui décideront de commun accord.

L'Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération de l'Allemagne du Nord.

(signé) REHFUES.

True Copies,

(signed) AUG. WIETERS,

Acting Chief Secretary.

欽差大臣曾 札

爲咨行事同治七年九月十一日准

兵部火票遞到

總理各國事務衙門咨案查布國條約第十三款內未將船主漏報捏報罰辦章程詳細載明本衙門曾於上年十二月間照會布國公使酌辦並咨行貴大臣暨三口通商大臣及札知總稅務司各在案茲准布國李使照復內稱貴王大臣所擬漏報捏報之船主應罰銀若干兩業經詳文本國請爲按照所擬辦理茲已奉本國回文德意志各國嗣後皆願按照所擬罰條辦理並將此作爲章程今將德意志文法郎西文漢文三分文底特送貴衙門查閱等因前來除由本衙門咨行三口通商大臣並札知總稅務司一體照辦外相應抄錄布國照會一件並照會內漢文罰條文底一紙咨行貴大臣查照轉飭各口遵照辦理可也等因並抄單到本署大臣准此合行抄粘札飭札關即便遵照辦理毋違特札

計抄粘

同治七年九月十六日

照錄布國照會

爲照會事溯查同治六年十二月二十九日本大臣已將

貴王大臣所擬漏報捏報之船主應罰銀若干兩業經詳文本國請爲按照所擬辦理等因照復

貴王大臣在案茲本大臣已奉本國回文內稱此事係北德意志公會所應管者是以本國令北德意志公會

各該管官商議妥定今本國總管北德意志公會議事廳事務公會各國嗣後皆願按照

北德意志公會暨不屬北德意志出會之德意志通商稅務公會各國嗣後皆願按照

貴王大臣所擬罰條辦理並將此作爲章程因此本大臣今將德意志文法郎西文漢文三分文底特送

貴衙門查閱本大臣諒

貴王大臣見此章程不能不知德意志各國凡遇

貴國循理之事端無不深願遵行也爲此照會

七月十六日

貴王大臣查照須至照會者

照錄漏報捏報罰條

爲聲明遵照罰條事查本大臣前接

大清欽命總理各國事務王大臣來文內稱咸豐十一年七月二十八日即

大布一千八百六十一年九月初二日

大清國

大布路斯國暨德意志通商稅務公會各國並模令布而額水林模令布而額錫特利子兩邦律百克伯磊門昂

布爾三漢謝城所立和好貿易船隻事宜和約章程第十三款內有不妥之處特爲指明漏報捏報等弊應照中國與各國所立和約內罰銀之數辦理等因前來彼時本大臣即將此事詳文本國今奉本國回文命本大臣聲明所有北德意志公會暨不屬北德意志公會之德意志通商稅務公會各國皆准概行按照

中國所擬罰條將漏報捏報之船主罰銀若干兩但須知每遇此等事件必按其所犯之事輕重定其所罰之數多寡惟所罰最重者亦不可過五百兩之數再者該商貨單內舛錯之處如於一日內即外國二十四時之內改正者即不應罰至有漏報捏報之時應如何查明之處須該口海關所派委員與該口本國領事官所派委員當堂公同會訊確查如該二委員同意擬罰銀兩若干該商即應將銀兩按數交清此事即算完結倘該二委員意見不同即應將此事詳送駐京之總稅務司與管理北德意志公會事務大臣公同查核定奪可也爲此聲明本大臣並親手畫押鈐蓋關防

大清同治七年七月十六日

大布一千八百六十八年九月初二日

NOTICE TO THE CONSULS IN CHINA.

LEGATION OF THE UNITED STATES,
PEKING, 22d October, 1863.

SIR,

The United States' Minister having been in consultation with His Imperial Majesty's Ministers respecting the penalty to be levied under the Treaty of Tientsin, for presenting false manifests of cargo, it has been agreed between them, that, pending a reference to Washington, the fourteenth article of the said treaty shall be defined in this respect and for this offence by the last sentence of article thirty-seven of the British Treaty, and the legal penalty on conviction shall be a fine of *Tls.* 500.

I am directed to make known this modification of article fourteen of the American Treaty, for your guidance and for the information of American citizens.

By order,
(signed) S. WELLS WILLIAMS.

No. 53.

DEPARTMENT OF STATE,
WASHINGTON, 29th February, 1864.

SIR,

Your despatch of the 5th November last, No. 54, has been received and is approved.

As no objections exist to the modification of the 14th article of the Treaty of the 18th June, 1858, proposed by Prince Kung in his note to you of the 15th October last, and agreed to by you in your reply of the 21st of the same month, and as it in fact evinces a friendly and liberal disposition towards the United States, the President has authorised you, in the enclosed full power, to conclude and sign an instrument of agreement for the purpose of effecting such modification.

I am,

SIR,

Your obedient Servant,
(signed) WILLIAM H. SEWARD.

ANSON BURLINGAME, Esquire,
etc., etc., etc.,

True Copies.

(signed) AUG. WIETERS,
Acting Chief Secretary.

CIRCULAR No. 30 OF 1868 (FIRST SERIES).

Pilotage Regulations (Amended), enclosing copy of, with explanations and instructions.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *27th October*, 1868.

SIR,

1.—Having reference to my Circulars Nos. 3 of 1867 and 22 of 1868, concerning Pilotage Matters, I am now instructed by the Yamên to inform you, that the Regulations promulgated last year have been revised and amended, and to forward for your future guidance the set of rules which it has been agreed to adopt on trial for the coming year. Printed copies of the amended regulations in Chinese, French and English will be forwarded to you by the Shanghai Office.

2.—The most important of the changes now made is that the article rendering pilotage compulsory has been rescinded, and, in that connection, you will observe that the disappearance of the obligatory clause has at once freed the Customs from serious responsibilities, and made it unnecessary to enact many bye-laws or local rules. Simplified by the repeal of that article, Pilotage affairs have been, besides, placed on a more natural footing by the removal of certain clauses tending to place in the Harbour Masters' hands sundry powers which, with the existing extraterritoriality treaties, belong properly to non-Chinese Authorities. The result of such simplification will probably be that Insurance Offices will of themselves, and without outcry, do what the public were displeased to see the Customs attempt, viz.:—make pilotage compulsory, and that non-Chinese officials, on finding there is no desire to strip them of their rightful powers, will be only too glad to leave to the Harbour Masters as much of the work necessitated by pilotage as the Harbour Masters are really fitted to perform.

3.—The point from which the improved regulations start is that the enactment of local rules shall be left to the persons most concerned, the Harbour Masters, Consuls and Chambers of Commerce at the ports that require them, and they then provide that a Board of Examination shall be constituted, in consultation, in the manner best fitted to be adopted at each place. They re-state the fact that the subjects of Treaty Powers, as well as Chinese, may become candidates for Pilots' Licenses, and arrange for the manner in which examinations are to be conducted and vacancies filled up. They recognise the sovereignty of China in the pilotage question, by

Art. 1.

Art. 2.

Art. 3.

Art. 4.

Art. 5.

- enacting that all licenses shall be issued by a Chinese official, the Commissioner of Customs, in the name and on behalf of the Chinese Government. They make provision for apprentice-pilots, and provide for the punishment of persons who pilot without licenses, of pilots who misconduct themselves, and of commanding officers who employ unlicensed persons as pilots. Pilot Boats are continued on the same footing as before, and the use of the pilot-flag is regulated. A rule is added relative to flags to be hoisted by vessels approaching anchorages which will much aid Harbour Masters in assigning berths, and ought to prove useful to the communities generally as indicating at once the quarter from which vessels arrive. Lastly, some rules have been added to enable the Harbour Master to preserve order more easily in the anchorage. These amended regulations, you will see, are provisional and open to revision.
- Art. 6. Government. They make provision for apprentice-pilots, and
Art. 7. provide for the punishment of persons who pilot without licenses,
of pilots who misconduct themselves, and of commanding officers
Art. 8. who employ unlicensed persons as pilots. Pilot Boats are continued
on the same footing as before, and the use of the pilot-flag is
Art. 9. regulated. A rule is added relative to flags to be hoisted by vessels
approaching anchorages which will much aid Harbour Masters in
assigning berths, and ought to prove useful to the communities
generally as indicating at once the quarter from which vessels arrive.
Art. 10. Lastly, some rules have been added to enable the Harbour Master
to preserve order more easily in the anchorage. These amended
regulations, you will see, are provisional and open to revision.

4.—The aim and scope of the amended rules, as a whole, is to provide a means by which none but duly qualified persons shall be permitted to exercise the calling of a pilot,—to place such authority over pilots in the hands of the Harbour Master as shall enable him to aid in maintaining, in the interests of the public, the efficiency of a set of men, whose numbers are fixed and limited in their own interests,—to continue to all non-Chinese officials freedom to exercise their own rights under conditions of extraterritoriality,—and to leave it to those most interested at each port, the Chinese and non-Chinese officials and the Chambers that represent the mercantile communities, to proceed in consultation, in drawing up such local rules or bye-laws as local circumstances may call for, in order to the better carrying out of the intentions and spirit of the General Regulations, and thereby establish an efficient pilotage system in Chinese waters.

5.—In these General Regulations (*vide* Arts. 1 and 10) there are left blanks to be filled up at each port, viz.: under the 1st Art. it remains to define—1°, the number of pilots; 2°, the pilotage charges within the limits, *i.e.* inwards to the *lower or outer limit of the inner anchorage for shipment and discharge of cargo*, and outwards from the same limit to sea; and 3°, the pilotage ground; and, under the 10th Art., Harbour Pilotage charges are to be fixed and provided for. On these points, the Harbour Masters are to consult with Consuls and Chambers of Commerce, and, a common understanding having been arrived at, the result can be filled in, made public, and acted on locally; it is at the same time to be reported for the information of this office. As regards Harbour Pilotage, it will be well, when reporting the charges agreed to, to supply an estimate of the amount likely to be received annually from such source, in order

that the question of providing *official* harbour pilots paid by our offices may be duly considered and arranged.

6.—You will observe that the pilots and pilot-boats are to pay annual fees for renewal of licenses, amounting to ten and twenty taels respectively; the proposal to collect a per-centage charge on pilots' earnings, and establish a pilotage fund, referred to in the draft-bye-laws of last year, is withdrawn; the amounts paid for renewals of licenses are to be expended by the Harbour Master in paying fees to examiners, and providing licenses, etc., and are to be accounted for annually on the 30th June, through the Marine Commissioner.

7.—The Harbour Masters continue to exercise control over pilots, and are authorised to suspend from duty or withdraw licenses; in either event, however, the suspended or dismissed have the right to lay their case before their Consul within three days, but I presume that the Consuls will not other than uphold the Harbour Master's action, and, on such occasions, it would perhaps be well for the Harbour Master to be the first to acquaint the Consul with his act and the reasons for it, and request the Consular support in the interests of discipline and efficiency.

8.—Whatever bye-laws may be called for by local or special circumstances, are to be drawn up in consultation as provided for in Art. I., and, when agreed on, are to be appended to the General Regulations, following Art. X., and reported to this office. The fewer such bye-laws, the better; all unnecessary matter should be carefully kept out of them.

9.—Pilotage charges within the limits of the Pilotage Ground are to be collected by the pilots themselves, and not by the Harbour Masters. If, however, the pilots so desire,—as is now the case at Foochow and Niuchuang,—pilotage charges may continue to be collected for them by the Harbour Master, but pilots must then submit to a deduction not exceeding five per cent, to provide for office requirements and expenses incurred in collection, distribution, and keeping accounts. On this point, the Commissioners will ascertain the wishes of the Pilot body at the various ports, and act accordingly: The Harbour Master is not to collect the charges unless the pilots wish him to do so, but, if he is asked to collect such charges, the pilots must provide funds to pay for the extra expenditure incurred in the performance of such work, in return for the accommodation thereby afforded. Harbour Pilotage fees are to be paid to the Harbour Master, with whom it will rest to propose for the sanction of this office the arrangements considered necessary in respect of Harbour Pilotage, and officially paid pilots.

10.—Each Commissioner, when acknowledging the receipt of this Circular, will please to report:—

1°.—The number of pilots to be licensed;

2°.—The limits of the pilotage ground;

3°.—The pilotage charges outside the business anchorages;

4°.—The charges and arrangements proposed for Harbour Pilotage;

5°.—The additional local rules adopted; and,

6°.—The arrangements agreed to, relative to the collection of pilotage charges.

I am, etc.,

(signed) ROBERT HART,
I.G.

ENCLOSURE.

條 專 程 章 水 引
CHINESE PILOTAGE SERVICE: GENERAL
REGULATIONS.

SERVICE DU PILOTAGE EN CHINE:
REGLEMENTS GENERAUX.

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GENERAL REGULATION I.

Bye-Laws and Local Rules.

1.—Bye-Laws and Rules necessary for the better ordering of Pilotage matters at the Ports, are to be drawn up by the Harbour Masters in consultation with the Consuls and Chambers of Commerce, with whom also it rests, in the same way, to fix the number of Pilots and Tariff of charges, and define the limits of the Pilotage ground.

2.—The number of Pilots for the port of.....shall be

3.—The Pilotage ground for the port of.....shall be defined as follows, viz.:—

4.—The Pilotage charges shall be as follows, viz:—

*Steamers or Sailing
vessels in tow,
per foot.*

*Sailing vessels,
per foot.*

REGLEMENT I.

Règlements particuliers et locaux: par qui ils doivent être établis.

1.—Le Capitaine du Port sera chargé de faire, d'accord avec les Consuls et sur l'avis des Chambres de Commerce, les Règlements locaux qui lui paraîtront nécessaires pour assurer le service régulier du pilotage et pour fixer le nombre des Pilotes, les limites du Pilotage et le tarif des droits de pilotage.

2.—Le nombre des Pilotes pour le Port de est fixé à

3.—Les limites du Pilotage pour le Port de sont déterminées comme il suit:—

4.—Les droits de Pilotage dans les limites réglementaires du Pilotage du Port de seront les suivants:—

*Bateaux à vapeur ou Navires à voile
remorqués; par pied.*

*Navires à voile
par pied.*

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GENERAL REGULATION II.

Pilots:—individuals eligible.

The subjects, citizens or protégés of Treaty Powers, shall, equally with Natives of China, and without distinction of nationality, be eligible for appointment when vacancies occur, by the Board of Appointment, subject to the General Regulations now issued, and the Bye-Laws to be under them enforced at the several ports respectively.

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GENERAL REGULATION IV.

Vacancies: how to be filled up.

1.—Whenever there may be a vacancy among the Pilots, it shall be duly notified in the Local prints; and Eight days afterwards, the Board of Appointment shall proceed to fill it up by a competitive Examination.

2.—The Board may refuse to admit to the Examination any one who, having once been a Licensed Pilot, has had his License withdrawn, and also any candidate who is unable to produce Consular certificates as to character, etc.

3.—The Examination shall be public and gratuitous, and the vacancies shall be given to the most competent among the candidates, without distinction of nationality: provided always the competency of the first on the list be not relative but absolute.

4.—The Consul concerned may in person, or by deputy, be present and take part in the Examination of Candidates.

5.—The majority of the votes of the members of the Board shall decide the admission of Candidates for Pilot Licenses,—each member having one vote in the ballot; but in the absence of the Consul concerned, the Harbour Master shall have a casting vote.

REGLEMENT IV.

Vacances: comment elles seront remplies: conditions du concours.

1.—Toutes les fois qu'il se présentera une vacance dans les emplois des Pilotes, elle sera annoncée dans les journaux, et, huit jours après, le "Comité d'examen" se réunira pour examiner les candidats qui se présenteront.

2.—Le "Comité d'examen" ne pourra refuser d'admettre à l'examen que les Pilotes destitués, ou les candidats qui ne présenteraient pas un certificat de bonne vie et mœurs délivré par la chancellerie du Consulat dans lequel ils sont immatriculés.

3.—L'examen sera public et gratuit. Les places vacantes seront données aux concurrents suivant l'ordre de leur mérite, sans aucune distinction de nationalité, pourvu, toujours, que la capacité des premiers sur la liste soit absolue et non pas relative.

4.—Le Consul de la nation à laquelle appartiendra le candidat aura la faculté d'assister à l'examen, s'il le désire, soit en personne, soit par un officier du Consulat délégué par lui.

5.—L'admission des candidats au titre de Pilote sera décidée par la majorité des membres du comité, chaque membre ayant une voix au scrutin. En l'absence du Consul, ou quand le comité se composera de quatre personnes seulement, le Capitaine du Port aura deux voix au scrutin.

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應令該引水赴

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字據呈驗掛號

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GENERAL REGULATION V.

Pilot's License: by whom to be issued.

1.—Pilots' Licenses shall be issued by the Commissioner of Customs in the name and on behalf of the Chinese Government. Licenses issued to Pilots not being Natives of China shall subsequently be visèd and registered at the Consulate concerned.

2.—On the first of July each year, every Pilot shall pay the sum of Ten Haikuan Taels for the renewal of his License.

3.—Every Licensed Pilot shall be given a printed copy of the General Regulations and Local Rules, and shall produce the same, as well as his License, when required.

REGLEMENT V.

Brevets de Pilote: par qui ils seront délivrés.

1.—Les Brevets de Pilote seront délivrés au nom du Gouvernement Chinois par le Commissaire des Douanes. Les brevets des Pilotes étrangers seront visés et enregistrés à la chancellerie du Consulat où le porteur est immatriculé.

2.—Le premier Juillet de chaque année, tout Pilote aura à payer la somme de Dix Taels pour le renouvellement de son brevet.

3.—Chaque Pilote breveté recevra un exemplaire imprimé des Règlements Généraux et des Règlements Locaux, et devra les présenter, de même que son Brevet, toutes les fois qu'il en sera requis.

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理船廳報明

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GENERAL REGULATION VI.

Apprentice Pilots: how to be taken.

1.—It shall be allowable for each Licensed Pilot to take an Apprentice, for whom he shall be responsible. On the application of Pilots, the Harbour Master will supply Apprentices with special certificates.

2.—When the circumstances of the Port appear to demand it, the Harbour Master may authorise Apprentices to act temporarily and within certain limits as Pilots, provided they have received certificates of competency from the Board of Appointment.

REGLEMENT VI.

Apprentis Pilotes: Comment ils seront admis.

1.—Chaque Pilote pourra entretenir auprès de lui, pour apprendre le métier, un apprenti pilote qui sera muni d'un brevet spécial délivré par le Capitaine du Port, sur la demande et sous la responsabilité du patron.

2.—Il sera permis au Capitaine du Port, lorsque les circonstances paraîtront l'exiger, d'autoriser les apprentis-Pilotes à faire, temporairement et dans de certaines limites, fonction de Pilote, mais à condition qu'ils aient reçu un certificat de capacité du Comité d'examen.

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官罰銀壹

百兩

GENERAL REGULATION VII.

Licensed Pilots: to whom subordinated: unlicensed Piloting, etc.

1.—Licensed Pilots may carry on their business either singly or in companies. They must pay due respect to the wishes and instructions of the Harbour Master under whose orders and control they are placed, and who is invested with power to suspend or dismiss, subject to an appeal to the Consul concerned. When the Pilot is a foreigner the appeal to be lodged within three days.

2.—If guilty of any misconduct for which Consular punishment has been inflicted, or if proved to have committed any offence against Revenue Laws, the individual concerned may be suspended or dismissed by the Harbour Master, subject to an appeal to his Consul. If a foreigner, the appeal to be lodged within three days.

3.—Any one piloting without a License, or making use of another's License, shall be subject to prosecution, before his own authorities, who will deal with the offender in accordance with the Laws of his country. Any Pilot lending his License to another will be proceeded against and dealt with in the same way, in addition to forfeiting his License.

4.—Any commanding officer employing an unlicensed person to pilot his vessel will be liable to be fined in the sum of One Hundred Taels by the authorities to whose jurisdiction he is amenable.

REGLEMENT VII.

Pilotes Brevetés: de qui ils sont subordonnés: Pilotage sans Brevet: punitions.

1.—Les Pilotes munis de brevets sont libres d'exercer leur métier, seuls, ou de se former en compagnie. Mais ils doivent obéissance au Capitaine du Port, sous l'autorité duquel ils sont placés, et qui a le droit de leur infliger la peine de la suspension temporaire, et même du retrait de leur brevet, sauf appel au Consul dans le délai maximum de trois jours pour les pilotes de nationalité étrangère.

2.—Chaque Pilote qui s'est rendu coupable de mauvaise conduite pour laquelle le Consul aurait été obligé de prononcer une condamnation, ou qui a commis une infraction aux lois sur la contrebande, sera passible de la suspension ou du retrait du Brevet suivant que les circonstances l'exigeront, sauf appel au Consul dans le délai de trois jours pour les Pilotes de nationalité étrangère.

3.—Tout individu qui pilotera un navire sans avoir brevet de Pilote, ou qui se servirait frauduleusement du brevet d'un autre Pilote, sera traduit devant le tribunal dont il relève, et, puni suivant les lois de son pays: sera pareillement poursuivi et puni le Pilote qui aura prêté son brevet, lequel lui sera de plus retiré.

4.—Chaque capitaine de navire qui se servirait d'un Pilote sans brevet sera passible d'être puni par son Consul d'une amende de cent Taels.

第八款引水船隻宜有定章也

一凡引水之船應由該引水將其

船名船式大小及該船水手姓

名開具清單一併呈報由理船

廳發給號照後須將引水船字

樣第幾號書明於船尾及篷上

其旗須挂四方之式上半黃色

下半綠色該船原有之本國牌

照或存於領事署內或存稅司

處皆可該引水果遵照各節方

准該船在本口及引水界限內

任便往來並免完納船鈔儻稅

司理船廳派人在其界限內往

來或號船及望樓運取應用物

件一有船廳吩咐其引水船即

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GENERAL REGULATION VIII.

Pilot Boats: Regulations to be observed.

1.—Pilot Boats shall be registered with their crews at the Harbour Master's office, where each Boat will be given a certificate and number.

The words "Licensed Pilot Boat" shall, with the Number, be legibly painted at the stern and on the head of the mainsail; and a Flag, of which the upper horizontal half shall be yellow, and the lower green, shall be flown. Such registered Pilot Boats shall deposit their national papers with their Consul or the Customs; they shall be at liberty to move freely within the limits of the port and pilotage ground, and shall be exempt from Tonnage Dues. On the requisition of the Harbour Master or his deputies, it will be obligatory on registered Pilot Boats to convey from place to place, within the limits, employés belonging to either Customs' or Harbour Master's Departments, with such stores as may be wanted for either Light-house or Light-ships.

2.—Every licensed Pilot Boat shall pay a Fee of Twenty Taels for renewal of License on the first of July each year.

3.—In case of a Pilot going off in an unregistered Boat, he will be authorized to carry the Pilot Boat Flag during the time he is on board; but no Pilot is authorized to cruise in an unregistered Boat, without special permission from the Harbour Master.

4.—The owner or hirer of an unregistered Boat, making use of a Pilot Flag, and not having a Licensed Pilot on board, shall be prosecuted before the authorities to whom he is amenable, or whose flag or national Ensign he has the right to use.

5.—A Registered Pilot Boat is not permitted to fly the Pilot Flag save when there is either a Licensed Pilot or a certificated Apprentice on board.

REGLEMENT VIII.

Bateaux Pilotes: Règlement les concernant.

1.—Les bateaux pilotes et leurs équipages seront enregistrés à la Direction du Port, qui leur délivrera un certificat et un numéro. Ce numéro et les mots "Licensed Pilot Boat" seront inscrits en grosses lettres à la poupe et en tête de la grand' voile. Ils porteront un pavillon dont la partie supérieure sera jaune et l'inférieure verte. Ils seront exempts de droits de tonnage; leurs papiers de bord seront déposés au Consulat dont ils relèvent ou à la Douane, et ils pourront circuler à leur gré, sans permission préalable, dans les limites du "Terrain du Pilotage." Ils seront tenus d'obéir aux réquisitions du Capitaine du Port ou de ses agents, pour transporter au dedans des

dites limites les employés des Douanes ou de la Direction du Port, aussi bien que les provisions, etc., qui seraient nécessaires pour le service des Phares ou des Bateaux feu.

2.—Chaque bateau Pilote patenté aura à payer un droit de Vingt Taels au 1er Juillet de chaque année.

3.—Dans le cas où un Pilote partirait dans un bateau qui ne serait pas enregistré, il sera autorisé à porter le pavillon pilote tant qu'il sera à bord, mais aucun Pilote n'est autorisé à croiser dans un bateau non immatriculé à moins d'avoir une permission spéciale du Capitaine du Port.

4.—Le propriétaire ou le locataire d'un bateau non immatriculé, qui se servira d'un pavillon pilote et qui n'aura pas de pilote breveté à bord, sera poursuivi par devant les autorités dont il est justiciable, ou celles dont il a le droit de porter le pavillon ou les insignes nationaux.

5.—Aucun bateau pilote patenté ne pourra porter le pavillon-pilote à moins qu'il n'y ait à bord soit un Pilote breveté, soit un apprenti pilote muni d'un certificat de capacité.

第九款船隻	一如從	一如從	一如並	一如載
進口宜	通商	外洋	未裝	火藥
有分別	及香	口岸		或別
也	港東	口岸	載貨	樣引
一凡船將	洋等	前來		火之
至泊船	處前	者應	物應	物應
界限時	來者			
應由引	應懸	懸藍	懸黃	懸三
水人分	紅白			角紅
別飭挂	旗卽	白旗	藍旗	旗卽
號記	英寄			
	信旗	卽第	卽第	第五
	第三			
號	二號	十號	號	

GENERAL REGULATION IX.

Flags to be exhibited on arrival.

When nearing the anchorage, the Pilot shall cause to be exhibited:—

A Red and White flag (No. 3) if the Vessel is from Hongkong, Japan, or any Chinese Port.

A Blue and White flag (No. 2) if from any Foreign Port.

A Yellow and Blue (No. 10) if the Vessel is in Ballast.

A Red Swallow-tail (No. 5) if the Vessel has Gunpowder or other combustibles on board.

REGLEMENT IX.

Pavillon à hisser en entrant.

En s'approchant du mouillage, le Pilote devra faire hisser:

Un Pavillon Rouge et Blanc (No. 3) si le navire vient de Hongkong, du Japon ou d'un port Chinois.

Un Pavillon Bleu et Blanc (No. 2) si le navire vient d'un port étranger.

Un Pavillon Jaune et Bleu (No. 10) si le navire est sur lest.

Un Guidon Rouge (No. 5) si le navire a, à son bord, de la poudre ou d'autres marchandises combustibles.

第十款口內停泊宜

有定制也

一凡遇船隻駛至

停泊地界應由

口內引水前赴

接領按照理船

廳所指之處將

船停泊其或應

行改泊及進出

修廠來去馬頭

並復行出口一

切事宜均應由

口內之引水照

料

理	照改泊後再爲辦	暫停准發俟其遵	准單並出口紅單	開艙起貨下貨各	可由稅司將該船	擅自移泊他處則	船不遵指定處所	工經紀之便如有	泊事務宜酌體艚	一凡理船廳料理停
移離	擅行	不得	准單	特發	奉有	未經	指示	船廳	處宜	一凡停
	船每尺繳費銀	費銀	之篷船每尺繳	船及輪船拖帶	至界外等事輪	由停泊之處引	至停泊之處及	之例代收凡引	理船廳照後開	一凡口內引費由
銀	尺繳費	篷船每	繳費銀	船每尺	帶之篷	輪船拖	輪船及	錨等事	廠及添	凡引帶
	繳費銀	船每尺	篷	費銀	每尺繳	之篷船	船拖帶	船及輪	停泊輪	凡更移
五日	同治七年九月十	擬更訂	處亦可隨時酌	有未能妥協之	試辦之章若猶	以上十款仍係	其所空之銀數應各按 寫各口情形自行擬訂填	尺繳費銀	之篷船每尺繳費	凡引船來去馬頭

GENERAL REGULATION X.

Harbour Pilots: Vessels in harbour; Berthing, etc.

1.—The duties of the Harbour Pilots, where such exist, will be to take charge of Vessels at the Outer Limit of the Anchorage,—berth them in accordance with the orders received from the Harbour

Master's Department,—take charge of Vessels shifting berths, going in or out of dock, or to and from a Wharf, or out of the Anchorage,—and to assist in and report to the Harbour Master's Office all matters concerning the Shipping in Port, and the conservancy of the River or Harbour.

2.—In berthing Vessels, the Harbour Master will, as far as possible, meet the wishes of commanding officers and consignees; and the Entrance, Working, or Clearance of Vessels taking Berths not assigned to them, shall be stopped by the Customs until the Harbour Master's orders are complied with.

3.—Vessels are to moor in accordance with orders received from the Harbour Master, and are not to remove from the anchorage without his permission.

4.—The Harbour Pilotage Fees payable to the Harbour Master are as follows:

For Berthing a vessel or taking her out of Port	
Docking, undocking, mooring, etc.	
Shifting a Vessel's berth	
Taking a Vessel to or from a Wharf	

The above Rules and Regulations are provisional, and may be amended or added to according to circumstances.

REGLEMENT X.

Mouillage, etc.

1.—Les Pilotes du Port prendront charge des navires à la limite du Port et les mouilleront, ils dirigeront tous leurs mouvements soit hors du port, soit dans un bassin, soit au quai, et, réciproquement, les changeront de mouillage, conformément aux instructions qu'ils auront reçues de la direction du Port.

2.—Pour le mouillage des navires, le Capitaine du Port devra, autant qu'il sera possible, se conformer aux désirs des officiers commandant ou des consignataires; l'entrée ou l'expédition en douane des navires prenant des mouillages autres que ceux qui leur auront été designés sera arrêtée jusqu'à ce que les instructions du Capitaine du Port aient été suivies.

3.—Il est défendu aux navires de changer leur mouillage sans une permission spéciale de la Direction du Port, conformément aux ordres de laquelle ils devront s'amarrer.

4.—Les droits de Pilotage dans le port de.....seront les suivants, et seront payables à la Direction du port:

Amener un navire à son mouillage ou le sortir du port

Entrer au bassin, sortir du bassin, amarrage affourcharge,
etc.

Changer un navire de mouillage

Conduire un navire à un quai ou le ramener à son
mouillage.....

Les règlements ci dessus sont provisoires et peuvent être modifiés, abrogés ou augmentés, suivant les circonstances.

CIRCULAR No. 25 OF 1869 (FIRST SERIES).

Service Re-organization, regulations and explanations.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *1st November, 1869.*

SIR,

1.—Having received replies to Circular No. 13, 1869, concerning port requirements and service re-organization, from all the offices, except that at Takow (from which the Commissioner, Mr. Man, is absent on sick-leave), and having compared the various suggestions, and carefully considered the substance generally of those replies, I avail myself of the opportunity afforded by the publication of new rules for the service to make such remarks as seem most called for at this juncture.

2.—In the first place, I have to thank the Commissioners generally for the attention they have given to the points on which their opinions were invited, and for the candour and freedom of speech with which they have expressed their views. Were my Cir. No. 13, 1869, to have no other effect, it will be found to have been useful, in one direction by inducing the seniors in the service to express their opinions freely, and in another by developing through that very expression of opinion a stronger feeling of unity and greater cohesion in all its ranks.

3.—The replies, taken as a whole, place before me three sets of suggestions:

1°.—Those affecting the strength of the staff required by each port.

2°.—Those which refer to such rules for the regulation of the service as the Inspector General is competent to deal with; and

3°.—Suggestions requiring to be considered by a committee appointed by the service generally before being touched by the Inspector General himself.

The suggestions of the first class, having reference to individual ports, will be treated of in correspondence with the ports concerned, and those of the third class will probably be placed before a committee for re-consideration, after I shall have had the opportunity of conferring personally with the Commissioners from whom they emanated; suggestions of the second class, necessitating nothing more than a careful comparison of the opinions of the writers, tested by

the results of personal observation, and viewed in connection with the characteristic features of the service during the ten years it has existed, can at once be dealt with.

4.—In 1854, when the Rebels held Shanghai, the Treaty Powers, England, France, and the United States, in view of certain difficulties which the peculiar state of affairs was originating at the chief treaty port, authorised a Foreign Inspectorate, in which each should be represented, to cooperate with the Imperialist officials in the management of that part of the Custom-house business which affected Foreign merchants. The first British Inspector Mr. Wade, previously Vice-Consul at Shanghai, was, after a few months, succeeded in the post by Mr. Lay, Interpreter in the British Consulate, and the Inspectorate, as then constituted,—except that, on the French side, Mr. Edan succeeded Mr. Smith, and on the American, Captain Carr was followed by Dr. Fish—continued to transact the Foreign business of the Shanghai Customs from 1854 to 1858. In 1858 the Treaties of Tientsin were negotiated, and in the agreements subsequently signed at Shanghai, publishing a Tariff and the Rules appended to it, a clause was inserted to the effect that a uniform system should be adopted at every port, and that subjects of the treaty powers might respectively be selected by the Chinese Government to assist in the administration of the Customs' revenue, etc. At that time, I was Interpreter in the British Consulate at Canton, and, being well known by the Governor General, Lao tsung-küang, and the Hoppo, Hêng-chi, it was proposed by them to me, that I should establish such an office at Canton as was presided over by Mr. Lay at Shanghai; I declined however to do so, but telling Their Excellencies that doubtless Mr. Lay himself, if invited, would willingly visit Canton for that purpose, I furnished Mr. Lay with a lengthy memorandum on the state of affairs at Canton, and eventually left the Consular service at the end of June 1859, to fill the post of Deputy Commissioner at Canton. The local inspectorate at Shanghai had in the meantime changed its character; the French and American Inspectors had been paid off, and Mr. Lay, appointed Inspector General by Ho kwei-tsing, the Imperial Commissioner for Foreign affairs (there was then no Foreign Board), had placed the late Mr. Davies, as Commissioner, in charge of the Shanghai Establishment. In October 1859, all preliminaries having been arranged, Mr. Glover was placed in charge at Canton as Commissioner, and in January 1860 the Swatow office was opened with Mr. Ward in charge. In 1860, Mr. Davies went to England on sick-leave, and the late Mr. Fitz-Roy took charge at Shanghai. Early in 1861, Mr. Lay was re-appointed Inspector General by the

newly constituted Foreign Board, and in April of that year he went to England on leave:—at this point, I ought to explain, that Mr. Lay had not as yet visited Peking, and that the only member of the Foreign Board with whom he was at all acquainted was the former Hoppo of Canton, Hêng-chi; his departure for Europe at that moment was in opposition to strong remonstrances made by myself and others in what we conceived to be his own and the interests of the infant service. On Mr. Lay's departure, the duties of Inspector General were performed by Mr. Fitz-Roy and myself conjointly: we held as our authority—not letters of appointment from Mr. Lay, but—despatches from Hsüeh Huan and Ch'ung How, the Imperial Commissioner for the Southern, and the Commissioner for the Northern Ports, which again, the June following, were replaced by a formal commission from the Prince of Kung, the head of the Foreign Board. Mr. Lay did not return to China till May 1863, and, in the meantime, offices had been established during his absence at all the other treaty ports. After his return to China, and on the death of Mr. Davies, I was appointed by the Foreign Board to be Commissioner at Shanghai, and was charged also with the direction of the ports on the Yangtze, and Ningpo. In November of the same year, when Mr. Lay's tenure of office ended, I became Inspector General by the appointment of the Foreign Board. During the months Mr. Lay spent in China in 1863, he was chiefly occupied with the affairs of the unfortunate flotilla,* and thus it has come to pass that the service arrangements have been mainly controlled by myself since the spring of 1861. Of the hundred who now belong to the In-door staff, there are only some twenty persons who received their original appointments from Mr. Lay, and, of them, while two were made Commissioners by Mr. Lay, it was from myself that the others received the most of their promotions; the other eighty gentlemen now in the service—with the exception of three or four, nominated, in the first instance, temporarily by Mr. Fitz-Roy, have received their first appointments and subsequent steps from myself. What has been written will be sufficient for my purpose,—which is to record in a few words the history of the earlier days of the service, and to recall to your recollection how intimately I have been associated with it and its concerns from the very first, and how

* This was a flotilla of seven gunboats and one supply ship purchased in England, on behalf of the Chinese Government, by Mr. H. N. Lay, and intended to be used for the suppression of piracy and rebellion. In spite of Hart's remonstrances, Lay entered into a contract with Captain Sherard Osborn, the officer selected to take charge of the fleet, by which the latter bound himself to take orders only from Lay. The Tsungli Yamen refused to recognise this contract, and in the end dismissed Lay. At the request of the Government Captain Osborn succeeded in selling three of the ships to the Egyptian Government, two to the Indian Government, two to Captain C. Forbes, and the supply ship in England (*vide* British Parliamentary Papers: China No. 2 (1864)).

closely I am personally connected with the career of almost its every member.

5.—From the brief historical sketch to which the preceding paragraph has been devoted, I now pass on to invite your attention to a few explanations, which it may be well to place before you, and which are intended more especially for those whose promotion has been relatively slow,—who have seen juniors of either their own or some other nationality pass over their heads,—and who, for these or other reasons, feel disappointment or discontent.

6.—For reasons which may not have been apparent to all, but which nevertheless have existed, and could not be ignored, a peculiar caution has had to be exercised in the matter of appointments, and, more especially, in that of promotions to the higher grades: selection has, therefore, been necessitated. Now, to have to select must always place the individual who selects in the position of appearing to many to choose capriciously, arbitrarily, and unwisely. In a new service, composed even of men of but one nationality, no one would advocate the adoption of a mere seniority principle: it is only by special appointments and judicious selections, that efficiency can be brought to that standard, and a service fitted to do that work, which its originators and framers have in view; as time goes on, more weight can of course be given to the claims of seniority, but even such claims must be set aside where efficiency is not absolute, or where special requirements call for special qualifications, and extraordinary circumstances necessitate extraordinary action. Thus, in this service, which may be said only to date from the ratification of the treaties in 1860, while the service cannot be said to have existed long enough to free itself from those circumstances which necessitate special manipulation, and forbid attention to mere seniority; it is further to be remarked that, where individuals have only served longer than others by a few months or even a few years, any attempt to found claims for advancement on the mere merit of seniority would be to give undue importance to a very minor factor in the consideration of rights to promotion. At the outset, there may be said to have been no rights at all: each man's retention of position depended partly on the service proving itself to be so efficient as to be deemed worthy of continuance by the Chinese Government, and partly on its being made so thoroughly cosmopolitan as to recommend itself to Foreign powers, and thereby prevent their interfering to cut short its existence; to satisfy these conditions, the consideration of mere seniority had to be set aside, and the Inspector General had to seek for superior efficiency on the one hand, and aim at such an admixture of nationalities, in the various grades, as should

prove acceptable on the other. At the same time, other things being equal, seniority has always had its just value accorded to it: that the Inspector General personally should himself have to judge of the equality or inequality of other qualifications, and of the greater or less importance of other considerations, has been simply a fact to be met, and is but a natural part of the work of the chief of the service—for, in all services, the weighing of claims, and the selection of individuals to fill vacant appointments, have, in the end, to be attended to by some one individual. It is thus that seniority, during the past ten years,—the first decade of the existence of the service,—has been, as a rule, a secondary consideration, while individual efficiency, special qualifications, and nationality have been of primary importance.

7.—It has been said that an exaggerated importance is attached to the knowledge of the Chinese language, and that their due value has not been given to other qualifications. In reply, it is to be remarked that other qualities have never been regarded as valueless: on the contrary, I have seen that a man may be an excellent Chinese scholar, and yet be, owing to certain disqualifications, unfit for a desk in a busy office; but I did, and do, think, that there is no reason why men should not be found who are at once able to acquire Chinese, and also qualified, by being able to write legibly and figure correctly, to do clerk's work in an office. A man may write legibly and figure correctly, and yet have neither the training nor the qualities, which, where an exceptional aptitude for languages does not naturally exist, must be possessed in order to acquire Chinese: on the other hand, the man who is able to learn the language, is not likely to prove so wanting in power, as to be unable to school himself into the performance of a clerk's duties. I have accordingly done what I could to find men who would study Chinese, and to reward those who study it successfully: but in doing so, I have always endeavoured to make sure that Chinese was not the individual's only qualification, and that, while superior to his comrades in that, he was at all events their equal in other respects, and of unquestionable fitness for the post appointed to. Some advisers have been rather opposed to the study of Chinese by the members of the service generally, and have thought that Commissioners who did not, assisted occasionally by Interpreters who did, speak the language, would make things work more smoothly, and be preferable from many points of view. I always held, however, and continue to hold, an entirely different opinion; and the reasons by which I have been actuated in forming a Chinese-speaking service have had amongst them the following considerations:—Employés under any Government ought to speak the language of the country they are employed

in; letters have been continually received from Chinese Superintendents, begging me not to send to their ports Commissioners who do not speak the language; the acquisition of Chinese by all seems calculated to ensure the continued existence of the service, for, in that way, the service may hope to be able to commend itself, as of intrinsic value, to the approval of Chinese Officials; the acquisition of Chinese by all frees the Inspector General from the invidious task of having occasionally to place juniors who can speak, over the heads of otherwise well qualified seniors who cannot speak, the language; by inducing all to study the language, there is given to each what is in itself capital in this country, and by the very fact of thus making the service, and the Chinese Government too, independent of myself, I again hoped to increase for the service its chances of existence; experience had shown that, no matter what the rank of the individual who appears as principal, the Chinese authorities too readily look to the Chinese-speaking medium as really the person to be dealt with, and therefore the anomaly of employing non-Chinese-speaking Commissioners, and of yet giving the interpreter the command of the situation in all difficulties, appeared to me to be unworthy of support—however strong, temporarily, it might make the Inspector General; students of Chinese are certain to form a truer estimate of the national character, and a truer appreciation of their position under, and of the work to be done for, the Chinese Government; and, lastly, there are the possibility and hope of good, internationally speaking, springing from the study of the Chinese language by so many able and educated men in Chinese employ. The prominence given to Chinese studies has thus not been without its reasons, but it was never meant that other qualifications were being absolutely ignored.

8.—A third point requiring a few words is that several members of the service persist in thinking themselves unjustly treated, either because their pay remains for a considerable time at the same rate, or because, having been issued for a while at an increased, it is, after a time reduced to its original rate; the former complainants forget that I have but a fixed annual sum for the support of the service, and that being thereby precluded from making increases of pay *ad libitum*, I can only authorise them when vacancies occur in a higher class, and the latter forget, that, when appointed to act for an individual of a higher rank absent on leave, the higher pay, they are entitled to draw while thus acting, is only acting pay, and, of necessity, reverts to its former rate, on the return to duty of the person acted for.

9.—I consider the present a fitting occasion to make the few remarks which precede: and I think it well to add to them yet one

other. Discontent, when justifiable, is allowable: but the man who complains, and the man who is complained of, to understand the true merits of a complaint, must start from the same point—both as regards circumstance and time. I therefore trust that in future any one who may think that he is not properly appreciated, or who may suppose he has ought to complain of, will at once acquaint me with it, setting forth his case in detail and forwarding his statement in the usual way through his immediate chief, the Commissioner at the port served at; no one need fear to give offence by explaining himself in the way now indicated.

10.—As it was in my Circular No. 8 of 1864 that the first Service Rules were notified, I think it well to refer to it here for a moment, partly to re-affirm, not so much its letter as its spirit, and partly to correct some few misapprehensions to which it has given rise.

11.—It has been said that, by it, I deprived Commissioners of all power of initiative. To speak thus, is to misrepresent the object of the cautions that Circular contained. I have ever only been too anxious to find the chiefs at the ports willing and able to initiate, whether improvements in their own offices or reforms in the neighbourhood. The Inspectorate, it must be remembered, is not a political institution: its mission is rather commercial and industrial; but anything that any one can of himself do whether to widen the area of commercial interests, create industries, or even—though this last involves the possibility of an officious meddling with what had perhaps better be left alone—cause ameliorations in political conditions, will be recognised by no one more quickly, will be appreciated by no one more thoroughly, and will be supported by no one more warmly, than by myself. What I have been, and am, unwilling to do, is this: I am unwilling to accept the responsibility of action concealed from me or with which I have not been in due time and course made fully acquainted, and I object to any initiative which attempts to effect its ends by coercing or trying to coerce the local officials. Contemplated action should first of all be reported to me: but, to have to report it, does not imply either that it ought not to have been thought of, or that it will be disapproved of.

12.—It has also been thought that I have not allowed Commissioners sufficient latitude in matters of office expenditure. The explanation is simple. Whatever strictness there has been, has been owing to the fact, that the Inspector General is only allowed a fixed annual sum for the support of the service, and that it has consequently been necessary, in turn, to limit the expenditure of each office to a fixed annual sum; the amounts allowed have been so arranged as to secure a credit balance at the end of the year, from

which the Inspector General may be able to meet expenses which do not appear in the accounts of any of the ports—such as those required for the support of the Inspectorate General at Peking, for vessels for preventive purposes, for houses, for retiring allowances—for all of which money must be provided and kept in reserve. I have not prohibited or refused to sanction any necessary expenditure; but after authorising the issue of such and such amounts for salaries, wages, and miscellaneous expenditure, I do and must require each Commissioner to apply for special authority before he proceeds to incur liabilities, either beyond the common for ordinary wants, or to any extent whatever for special purposes; and in order to have funds to meet ordinary general requirements, as well as to fall back on under exceptional circumstances, the Inspector General must naturally continue to require that expenditure, before being incurred, shall be known to, noted, and authorised by himself.

13.—It has further been objected that that Circular did not show the consideration that is due to seniors, when it pronounced all in charge of offices to be equal. The object of the paragraph thus objected to, has been misunderstood. What it did mean was this: that any officer in charge, is, while in charge, not only responsible to the Inspector General, but is the only one responsible, for the administration of affairs at the port in question, and that no other officer—however much he may be senior, or more able—is to interfere with him, or give him instructions, or take action within the limits of his port, or treat him for the time being as having any other than equal responsibilities.

14.—It has besides been complained that that Circular went far to lower the position of Commissioners. In this connexion, I have simply to remark, that a Commissioner's position at any port will be very much what he makes it for himself, and that the object the Circular had in view, was to point out to each the line beyond which it might be dangerous for him to suppose his responsibilities extended, and to prevent each from undertaking responsibilities, which he had not reason to believe—from the position he had made for himself at the port—would be unobjected to by the Superintendent.

15.—Having thus referred to the few points on which misapprehensions are said to exist, I shall now proceed to re-affirm, in brief language, the spirit of that Circular.

16.—The burden of that Circular is the recommendation that pervades it from first to last, counselling all to be considerate and conciliatory. Each Commissioner is called on not to undertake undue responsibilities—not to trench on the duties of either Chinese or Foreign officials at his port—and is to cultivate friendly relations

with his colleague, the Chinese Superintendent, with the Consuls, and with the community, both native and foreign: he is to exert himself to make his office a model for correctness and despatch in the transaction of business, and for facilities and encouragement given to trade: his conduct generally is to be marked by liberality in dealing with the public, and by allowance for circumstances in dealing with all who get into difficulties: and, just as the Inspector General aims at making the service efficient, so each individual member of it is called on to endeavour to make it respected. That Circular reminds all that they are serving the Government of China; it tells them, too, not to forget that they are the representatives of a Christian civilization, and that—in that respect—while China's paid servants, they have other duties which are concurrent with the work for which they are paid.

17.—In a preceding paragraph I have made a few remarks on the subject of initiative; I have now to give my views in connexion with a point somewhat akin to that of initiative, viz., the local settlement of Customs' cases. The Foreign Board would infinitely prefer to see questions settled, as they arise, quietly and fairly at the ports, rather than have them referred for solution to Peking. Where a Consul and Commissioner are agreed as to the course to be pursued, while the Superintendent persists in holding a different view, there is no help for it: reference is necessary. But in the beginning of any affair, and while it is still in his own hands, a Commissioner should weigh the matter well, and determine for himself whether it is one worth the trouble it may give, if brought to the Superintendent's notice, and thereby exposed to the possibility of becoming, by correspondence, so expanded as to assume the dimensions that necessitate reference. During the past ten years many things have occurred to show how mischievously it acts, if a question is *prematurely* placed before a Superintendent: a formal record once set up cannot be brought to an end except in the recognised, formal way, and I have been frequently puzzled, on such cases coming to Peking, how to justify the action which had set such ponderous machinery in motion. In many instances, the differences which occur are of such a kind, that the merchant's explanation ought to be accepted at once: others are of so trivial a nature, that the rebuke implied in detaining goods or calling for an explanation ought to suffice both for punishment and warning: others again are of a kind to place the merchant so evidently in the wrong, that there ought to be no difficulty in arranging the action to be taken in a friendly way with the Consul:—in all such cases, provided the merchant does not claim a court for joint-investigation, the

Commissioner is competent to act without reference to the Superintendent, and when a merchant does demand a joint enquiry, the Superintendent, nine times out of ten, will be only too glad to be represented by the Commissioner, and the latter will continue to have it in his power to come to such an understanding with the Consul as shall provide an adequate punishment for the offence and obviate all necessity for appeal to Peking. Consuls are not naturally less reasonable or less just than other men, and, where they find the Commissioner desirous of arranging matters amicably, they will not, as a rule, object to assist in making things move smoothly at the port. It is fallacious to suppose, that, because action conflicts with *the* principle on which a rule is based, it therefore conflicts with *principle*, and must not be taken: it happens continually that cases do occur demanding exceptional action, and those in which Consuls intervene are generally the very ones which authorise such special treatment. Any matter can easily be talked over privately and unofficially in the first instance, and, that done, a mutual understanding can as easily be arrived at as to the action to be taken; on the other hand, to rush into writing and exchange official despatches,—to assume a high tone, and take up a formal position that cannot be abandoned save with the consciousness of defeat,—and worst of all, to drag the Superintendent prematurely into the arena,—will simply provoke hostility, superinduce weakness, and embitter personal relations. I write thus at length on this point in order to enforce attention to the dictates of common sense, and to show how expedient it generally is to sink the official in the man. Every allowance ought to be made for the circumstances under which any offence may have been committed, and every weight ought to be conceded to the Consular reasons for thinking such and such treatment would meet the case; interminable disputes about trifles ought to be carefully avoided, for, whether these pigmy battles are won or lost, they only tend to create difficulties for the transaction of other and more important business. Commissioners may rely on the support of the Inspector General, and the approval of the Foreign Board, whenever they effect local settlements of disputes that have originated in breaches, real or supposed, of laws for the protection of the Revenue; and while the Commissioners are thus left to exercise their own discretion in such matters, the only limitation put on them is that they will be expected, on the one hand, to act in accordance with the spirit of the foregoing remarks, and, on the other, to send to the Inspector General full and detailed reports of the circumstances that characterised, and the settlement that terminated, each case, for necessary purposes of record and reference.

18.—The subject of pay is one on which it may be well to offer a few remarks, more especially for the consideration of the junior members of the service. Somewhat erroneous views prevail, as is evident from more than one reply to my Circular No. 13, 1869: but the most curious is that which suggests, that pay and allowances ought to be such as to enable a man to leave China in comfortable circumstances “after *ten* years’ service.” The pay issued to all classes is fairly liberal, and some of the higher positions may be properly considered prizes; but the life is not the life of mercantile speculation—neither is it the life of an official in a badly paid service, which after long years provides scanty pensions. If it will not make a man suddenly rich to serve in the Customs, neither will it keep him on a starvation allowance and then give him, when he retires, a pension which dies with him: on the contrary, there is no class in the service in which the individual cannot save money, and, without either parsimonious frugality or excessive asceticism, any member of the staff ought to be able to retire after twenty-five or thirty years service, and before the age of fifty, with a sufficient sum in hand to furnish him with a fair income at home,—a sum which, if, in point of view of the income it produces, inferior to the pensions drawn by high officials who have served as long in more regular services, is at all events immensely superior in another respect, and that is that it enables a man to leave money at his death for the support of those who depended on him in life. Juniors should therefore exercise both foresight and prudence; they should remember that they have neither pension nor retiring allowance to look forward to, and should, from the very commencement, arrange for the future, putting by ever so little month after month; they should, too, be prepared for and look steadily forward to a period of service extending over twenty-five years at the very least. Promotions will no longer be of so frequent or so rapid occurrence as they have been in the past, but each individual may carry with him the consciousness of the fact, that his pay is fairly liberal,—that it will be increased when his turn comes,—and that it may be regarded as of sufficiently certain duration to banish all uneasiness. Those who, with really good pay, spend all they earn, or even fall into debt, in their pursuit of gaiety, must be content with the return they get for their outlay: they cannot expect to have both that and such Governmental sympathy in addition, in the shape of allowances and pensions, as shall keep them gay in their declining years.

19.—In conclusion, I have now to enclose a copy of the Rules and Regulations* for the administration of the Service, to be in force on and after the first of January 1870. I trust that their

adoption will increase its respectability and efficiency, and produce a better tone among its members, and add to their welfare generally. In forwarding these new rules, I have, at the same time, to notify to you that I hereby rescind and revoke such portions of rules, notified in the paragraphs below specified of former Circulars, as are not re-stated in the Rules now forwarded:—

Circular No. 8, 1864: paragraphs 13, 14, 15, 16, 17, 18, 20 and 21;

Circular No. 14, 1867: paragraph 5, Rules 1 to 6; and

Circular No. 12, 1868: paragraph 10, Rules 1 to 6.

Circular No. 8, 1869; paragraph 1, Rule 2.

20.—Much of the present Circular is intended for the juniors rather than for the Commissioners, and I have accordingly to request that you will place it, after perusal, in the hands of your chief clerk, to be read by him and his companions in the office, at leisure.

I am, etc.,

(signed) ROBERT HART,
I.G.

ENCLOSURE IN CIRCULAR No. 25 OF 1869.

RULES AND REGULATIONS FOR THE ADMINISTRATION
OF THE
IMPERIAL MARITIME CUSTOMS' SERVICE, CHINA.

A.—IN-DOOR STAFF.

Fixed Establishment. 1.—The Establishment will be composed as follows:—

Commissioners:	.....	1	@ 9,000	taels a year.		
"	.....	4	" 6,000	"	"	"
"	.....	4	" 4,800	"	"	"
"	.....	4	" 3,600	"	"	"
"	.....	4	" 3,000	"	"	"
Deputy Commissioners:		2	" 3,600	"	"	"
"	"	4	" 3,000	"	"	"
Assistants: First,	A.	5	" 3,000	"	"	"
"	"	B.	10	" 2,700	"	"
"	"	C.	15	" 2,400	"	"
"	Second,	A.	5	" 2,100	"	"
"	"	B.	10	" 1,800	"	"
"	"	C.	15	" 1,500	"	"
"	Third,	A.	5	" 1,200	"	"
"	"	B.	10	" 1,080	"	"
"	"	C.	15	" 900	"	"

First Appointments. 2.—First appointments will be to the post of Third Assistant C., in which capacity salary will be drawn at the rate of Nine hundred Taels a year (£300 sterling, or 7,500 francs).

Assistants to be promoted according to seniority. 3.—Assistants will be promoted according to seniority, provided the Commissioner, under whom the individual, whose turn for promotion arrives, is serving, certifies to the fitness of that individual in the terms of one of the appended forms.

Each fifth promotion to be by selection. 4.—While, as a rule, promotion will go by seniority, each fifth vacancy will be filled up by the Inspector General, by selection.

Study of Chinese not compulsory: length of Service to count instead. 5.—The study of Chinese is not compulsory; but, in order to rise from the third to the second class, Assistants must either pass an examination in Meadows' *Desultory Notes*, Wade's *Colloquial Series*, and cognate subjects, or have served as third Assistant for a term of not less than six years: similarly, to rise from the second to the first class, Assistants must either pass an examination in Williams' *Middle Kingdom*, Wade's *Documentary Series*, and cognate subjects, or have served as second Assistant for a term of not less than six years.

Commissioners and Deputy Commissioners to be appointed by selection.

6.—Appointments to Commissionerships and Deputy Commissionerships will be made by the Inspector General by selection, from among the Deputy Commissioners and First Assistants (appointments to the posts of Chief Secretary and Chinese Secretary in the Inspectorate General excepted). In making such selections, the Inspector General will be guided by—

- 1°. General fitness;
- 2°. Previous services;
- 3°. Character, disposition and temper;
- 4°. Knowledge of Chinese;
- 5°. Special qualifications;
- 6°. Nationality;

—and, other things being equal, the preference will be given to any individual whose seniority is relatively of not less than three years standing.

Commissioners to know Chinese.

7.—No one will be appointed Commissioner who has not passed the various examinations satisfactorily, or whose knowledge of Chinese is inadequate to the transaction of extraordinary business without the aid of an interpreter.

Assistants not acquainted with Chinese, not to be placed in charge.

8.—No one will be left in charge at a port who is unable to transact ordinary business without the aid of an interpreter, or whose want of discretion or defects of temper are known to be such as to be calculated to produce complications.

Pay of Acting Commissioners.

9.—Assistants acting as Commissioners will draw pay at the lowest rate drawn by Commissioners; Deputy Commissioners in charge will draw pay at the rate above the lowest issued to Commissioners.

10. — Commissioners officiating will receive half the pay drawn at their own port, and half that assigned to the port of the Commissioner officiated for.

11.—Assistants acting for Assistants of a higher sub-division of the same Class, will receive no additional pay; acting for Assistants of a higher Class, they will receive half the pay of their own and half of that assigned to the Class of the person acted for.

12.—Two years leave on half-pay, to commence on any first of April following, will be granted after seven years' service.

13.—Commissioners are not to leave the Prefecture or Foo within which their port is situated, without the written sanction of the Inspector General; within the limits of that prefecture, they will be at liberty to absent themselves from the port at times, not exceeding four in the year, and for periods not exceeding ten days each, without awaiting the sanction of the Inspector General, but, when about to absent himself on any such occasion, a Commissioner will be required to report his intention to the Inspector General, and, in communication with the Chinese Superintendent, make due arrangements for the service of the port during his absence, and, on his return, he will likewise be required to state where he has been and report the date of his resumption of duty.

14.—On application to the Inspector General, and when the requirements of the Service permit, Commissioners may have leave on full pay for a term not exceeding two months every second year.

15.—Commissioners may at their discretion grant leaves of absence, not to exceed four weeks at a time, to such members of their offices as business requirements will permit to be absent. Such leaves should be reported, but need not be applied for, to the Inspector General.

16.—Where the requirements of the Service will permit, assistants may have leave of absence every third year for a period not exceeding three months on full pay, on application through the Commissioner to the Inspector General.

Absence beyond the third month entails half pay.

the whole period of absence.

Absence from sickness beyond the third month in China, or second year at home.

17.—Any one requiring leave or remaining absent from his port for a period exceeding three calendar months, will be placed on half pay for the whole period of absence.

18.—Any one forced by illness to absent himself when in China for a period exceeding three months, will be placed on half pay for the whole term of absence; and any one away on leave if forced to remain absent more than two years, will not be entitled to any pay after the expiration of the second year. His name, however, will be retained on the list, and he will be permitted to rejoin the Service within two years from the date on which pay ceased to be issued, as a supernumerary at the foot of the C. sub-division of the Class he formerly belonged to.

Travelling expenses on duty.

19.—Any one moved from one port to another—except at his own request, when he will have to pay his own expenses—will be provided with a free passage; if married, one half passage money for his family (wife, three children, and one servant) will likewise be issued. Charges for extra baggage, and for hotel expenses and steward's fees *en route* will be disallowed.

Travelling expenses on leave.

20.—Any one going on leave after seven years' service will, on his return, be allowed half the passage expenses of the return voyage of himself and family (wife, three children, and one servant); charges for extra baggage, hotel expenses, and steward's fees not included.

Lodging Allowance for the married.

21.—Where quarters for married persons are not provided, an allowance for lodgings, not to exceed Fifty Taels a month, will be authorised on application to the Inspector General, in the case of Deputy Commissioners and First Assistants of the A. and B. sub-divisions. Any unmarried Assistant, belonging to one of those sub-divisions, may alienate his right in favour of a married Assistant of lower rank; but, once alienated, that right cannot be reclaimed until the previously married Assistant shall have passed into the sub-division B. first class.

Occupancy of Customs' quarters.

22.—Unmarried Deputy Commissioners and Assistants will be provided with quarters on the Customs' premises; those who occupy such quarters will be required to belong to the Customs' Messes there established; those who object to belong to such messes will be required to find quarters for themselves elsewhere.

Gardens. 23.—Gardens attached to Customs' premises will be placed under the charge and control of such Assistant and subject to such conditions, as the Commissioner may deem proper.

Confiscation Fund. 24.—Neither Commissioners, Deputy Commissioners, nor Assistants are allowed to receive pecuniary benefit from, or in any way to share or participate in the monies accruing from Fines and Confiscations.

B.—OUT-DOOR STAFF.

Fixed Establishment. 25.—The Out-door Staff will be composed as follows:—

Tide-Surveyors,	A.	5	@	2,400	taels	a	year.
"	B.	10	"	1,800	"	"	
"	C.	15	"	1,200	"	"	
Examiners,	A.	5	"	1,200	"	"	
"	B.	10	"	1,080	"	"	
"	C.	15	"	960	"	"	
Tidewaiters,	A.	30	"	840	"	"	
"	B.	50	"	720	"	"	
"	C.	80	"	600	"	"	

Appointment of Tidewaiters. 26.—The appointment of Tidewaiters rests with Commissioners. Any one newly employed will be required to serve *six months* on probation before his name can be sent forward, accompanied by the usual medical certificate, to the Inspector General, to be placed on the list of the Fixed Establishment.

Promotion of Tidewaiters. 27.—Generally speaking, each fifth vacancy excepted, Tidewaiters will rise from *C.* to *B.*, and from *B.* to *A.*, as vacancies occur at the port served at. The name of the Tidewaiter proposed to be promoted to a vacancy is, in all cases, to be first submitted to the Inspector General; the selection to be made by the Commissioner will be guided by considerations of intelligence, conduct, and seniority. No one will be eligible for promotion from the *C.* Division, who cannot read and write readily, and figure accurately.

Appointment and promotion of Examiners. 28.—Examiners will be appointed by the Inspector General, in communication with the Commissioners, by selection, but, each fifth vacancy excepted, will advance by seniority from the *C.* to the *A.* Division.

Acquaintance with colloquial Chinese (a local dialect preferably) will be a recommendation.

Appointment and promotion of Tide-Surveyors. 29.—Tide-Surveyors will be appointed by the Inspector General, in communication with the Commissioners, by selection, but, each fifth vacancy excepted, will advance from the *C.* to the *B.* Division by seniority. Appointments to the *A.* Division will be made by the Inspector General by selection or otherwise, as may seem requisite. Acquaintance with colloquial Chinese (a local dialect preferably) will be a recommendation.

Acting pay of Tide-Surveyors & Examiners. 30.—Tide-Surveyors and Examiners of a lower acting for any absent member of a higher Division, will be entitled to half the pay of their own and half that assigned to the Division acted for,—always provided that the absent person is on half-pay, and the period, during which the acting appointment is held, exceeds three months.

Half-pay Leave after seven years' service. 31.—After seven years' service, and if the requirements of the port will permit, one year's leave on half-pay will be granted. Short leaves may be given, from time to time, at the discretion of the Commissioner, to be reported in the monthly report of occurrences to the Inspector General.

Travelling Expenses. 32.—Any member of the Out-door Staff sent from one port to another on duty will be provided with a passage, but, if transferred at his own request, he will be required to pay his own travelling expenses.

Lodging allowance for the married. 33.—Tide-Surveyors of the *A.* or *B.* Divisions, and Examiners of the *A.* Division, will, if married, be entitled to lodging allowance not exceeding Twenty-five taels a month, in lieu of quarters.

Tidewaiters may be summarily dismissed. 34.—Tidewaiters may be dismissed by the Commissioners without reference to the Inspector General; but such dismissals are to be reported in the monthly report of occurrences.

Instructions for the use of the Out-door Staff. 35.—Tide-Surveyors, Examiners, and Tidewaiters will be required to provide themselves with copies of the Instructions (1870), and acquaint themselves thoroughly with the Rules therein laid down for their guidance.

Rewards payable from Confiscation Fund. 36.—Any member of the Out-door Staff, instrumental in effecting a seizure or procuring a fine, will be permitted to receive one-tenth of the net amount accruing from such fine or confiscation: provided always

that the Commissioner at the port is of opinion, that the service, so rendered, was performed under circumstances of a kind to entitle the person concerned to be so rewarded.

C.—CHINESE EMPLOYEES.

Fixed Establishment. 37.—The Chinese Staff will be composed as follows:—

Linguists	.....	A.	5	at 1,500 to 2,400 taels a year.
"	.....	B.	10	" 1,200 " 1,500 " "
"	.....	C.	15	" 900 " 1,200 " "
Assistant Linguists	..	A.	5	" 600 " 900 " "
"	"	B.	10	" 480 " 600 " "
"	"	C.	15	" 360 " 480 " "
Supernumerary Linguists	10	"	240	" 360 " "

(Unclassed: Chinese Employés of other grades employed—*A. in the office; B. outside*).

Appointment of Linguists. 38.—The first appointments of Linguists will be to the supernumerary list.

Promotion of Linguists. 39.—Promotions from the list of supernumerary to that of assistant Linguists will be made by seniority on the occurrence of vacancies, provided the individual can write, read, and figure neatly and accurately in the English language, and through the *C.* and *B.* to the *A.* division. From assistant Linguist to Linguist, promotion will be made by the Inspector General, in communication with Commissioners, by selection; from *C.* to *B.* Linguists will rise by seniority, each fifth vacancy excepted, and from *B.* to *A.* by selection.

Linguists' Travelling Allowances. 40.—A Linguist moved from one port to another on the coast will be allowed a fixed sum of Fifty Taels; when moved from Shanghai to Ningpo, or from either of those places to a port on the Yangtze, the allowance will be Twenty-five Taels.

Absence from sickness. 41.—A Linguist forced by sickness, certified to by the Medical Attendant at the port, to be absent from office for a period not exceeding one month, will continue to draw full pay; if absent for more than a month, he will be placed on half-pay for the whole term of absence, but after the sixth month half-pay will be discontinued.

Linguists' leaves. 42.—After four years' service a Linguist may have two months' leave on full pay, or four months' on half-pay.

Linguists may be mulct- 43.—Linguists may be fined to the extent of half-
ed of half-pay. their pay for the month, if guilty of carelessness, want of punctuality or insubordination; but are not to be dismissed, excepting with the approval of the Inspector General.

New-year's gratuity to 44.—The New-year's gratuity will no longer be
be issued to the deserv- payable to all classes of Chinese employ  s: instead,
ing only. each Commissioner will be authorised to issue a New-year's gratuity as a reward to such Chinese employ  s as, having served throughout the whole year, have distinguished themselves by willingness, attentiveness, subordination and efficiency. Any such gratuity is not to exceed in amount the sum to which, under the former rule, the individual would have been entitled, and the total disbursement is to be reported to the Inspector General, in a special despatch, in the usual manner.

Chinese Employ  s not 45.—The arrangements respecting expenditure to
being Linguists. be incurred for Chinese Employ  s other than Linguists, notified in Circular No. 13, 1868, are to be given effect to, as far as possible, at each port. The total sums authorised to be expended are not to be exceeded, but the Commissioners may, at discretion, devote more to one and less to another class. Efficiency is not to be jeopardised for the sake of economy, nor is economy to be disregarded on the ground that authority has sanctioned a higher expenditure.

46.—	*	*	*	*	*
47.—	*	*	*	*	*
48.—	*	*	*	*	*

D.—DISCIPLINARY REGULATIONS.

Subordinates suspend- 49.—A Commissioner may censure by word of
ed by Commissioners, mouth or by writing, privately or in presence of
may call for Courts of the assembled members of the establishment, or
Enquiry. may report to the Inspector General, or may suspend, any of his subordinates guilty of or charged with misconduct, and may place the person so suspended, on half-pay, pending reference to the Inspector General. Where the offence

with which any subordinate is charged is of so grave a character as to induce the Commissioner to suspend him, the Commissioner will draw up a Report on the occurrence and hand it to the suspended person, who will return it to the Commissioner accompanied by such a written statement in explanation or extenuation as he may desire to place on record. The Commissioner will then forward to the Inspector General copies of his own Report, and the statement received in reply, and will comment on the statement in his covering despatch. Should the suspended person demand it in his statement, a Court of Enquiry, to be composed of three persons above himself in rank, will be constituted to investigate the case; the Court's action will be confined to the taking of evidence and pronouncing the individual concerned to be, in the Court's opinion, guilty or innocent of the offence laid to his charge. The finding of the Court will be communicated by the President to the Inspector General, and may be accompanied by whatever recommendations and remarks the Court may regard as being proper under the circumstances, or as being suggested by and connected with the case.

Offences.

50.—Among offences, the following may be particularised:—Slovenliness, Want of Punctuality, Negligence, Incompetence, Quarrelsomeness, Insubordination, Absence without leave, Unauthorised publication of Office matters, Prosecution for any cause civil or criminal. Malversation, Peculation, Bribery, Fraud, Engaging in Trade, Insobriety, Gross immorality.

Punishments.

51.—Among punishments, the following may be specified:—Private Censure; Public Censure before the assembled establishment; Report to the Inspector General; Suspension on half-pay during the time required for reference to the Inspector General, or during such period, shorter or longer, as the Inspector General may deem proper; Name to be placed at the bottom of a sub-division; Name to be placed at the bottom of a Class; Name to be placed in a lower Class; Dismissal.

Offences entailing summary dismissal.

52.—Drunkenness, Dishonesty, or Assault (where the person assaulted is a Chinese), will entail the summary dismissal of the individual concerned of whatever rank, if reported to the Inspector General by any Commissioner.

Power of Commissioners to suspend and dismiss.

53.—Commissioners may suspend but not dismiss any Deputy Commissioner, Assistant, Tide-Surveyor, Examiner, or Linguist, and may summarily dismiss any Tidewaiter or Chinese Employé not being

a Linguist, reporting the fact and cause of dismissal in the monthly report of occurrences.

Courts of Enquiry where Commissioners are concerned. 54.—Should a Commissioner be charged with any dereliction of duty, for which, if proved, his appointment ought to be cancelled or his services dispensed with, he will, in the first instance, be suspended on half-pay. A Court of Enquiry to be composed of four persons—three of them being Commissioners of standing, of whom one is, if possible, to be of the nationality of the Commissioner concerned,—will then be constituted, in which the Chief Secretary of the Inspectorate General will sit as President, but without vote; the action of the Court will be confined to the investigation of the case and pronouncing the person concerned to be, in the Court's opinion, innocent or guilty of the offence laid to his charge; the finding of the Court is to be sent to the Inspector General unaccompanied by any recommendation.

Proceedings in Courts of Enquiry. 55.—The proceedings of Courts of Enquiry are to be conducted with closed doors, and each person examined is to sign the record of his evidence, simply declaring his statements and the record of them to be respectively true.

Customs' officers not to engage in trade. 56.—No officer of the Customs can own either in whole or in part any vessel; or act as Agent, Attorney or Consignee for the owner of any vessel, or of any Cargo or lading on board; nor can he be concerned directly or indirectly in the importation or exportation for sale of any merchandise, goods or wares of whatsoever kind or description, —under penalty of dismissal from office.

Inspector General's decision to be final. 57.—The Inspector General's decision will in all cases be final, and from it there will be no appeal.

58.—	*	*	*	*	*
59.—	*	*	*	*	*
60.—	*	*	*	*	*

E.—ALLOWANCES.

61.—Furniture Allowance	} Reserved for separate consideration.
62.—Retiring Allowance	

F.—GENERAL RULES.

In-door employment requires previous sanction. 63.—No one is to be employed in an office as Clerk or Assistant, with or without pay, until his employment in that capacity has received the written sanction of the Inspector General.

Increases of pay not to be applied for. 64.—A fixed sum being allowed for the annual support of the Service, employes cannot look for, nor are Commissioners to recommend, increases of pay until vacancies in higher classes render such increases possible. No one is authorised to promise employment to the unemployed, or increase of pay to the employed, unless holding the Inspector General's written authority to make such promise.

Subordinates may address the Inspector General through the Commissioner. 65.—Any subordinate at a port desiring to bring any Service matter to the knowledge of, or to lay any personal statement growing out of his official position before, the Inspector General, may address an official letter in the usual form to the Inspector General, but will be required to hand that letter *open* to the Commissioner at the port, for transmission to Peking. In forwarding such letters, Commissioners may make such comments in their covering despatches as they deem called for. Any subordinate addressing the Inspector General through any other than the proper official channel above-mentioned will be placed at the bottom of the class he may belong to.

Subordinates desirous of making statements in person to the Inspector General at Peking. 66.—Any subordinate desirous of leaving his port to see the Inspector General in order to make personal statements or explanations, will be required to obtain permission to visit the Inspector General at Peking, by stating his business in an official application, to be forwarded open through the Commissioner at the port. Such persons will have to defray their own travelling expenses.

Signatures: when official, and when private. 67.—Whenever any employé signs any document officially, he will be required, if a Commissioner, to place below his name the words "Commissioner of Customs", the date, and the name of the port served at; if not a Commissioner, he will place the designation of his rank below his name and sign "by order of the Commissioner":—ordinary documents, such as permits, ought to be simply sealed and initialed. Other signatures will be held to have been made by the individual in his private quality as an individual, and not in his official capacity of employé of the Chinese Government. This distinction is to be

carefully attended to, in order to distinguish between personal and official responsibility.

68.—No Notification is to be published with the words “by the order of the Inspector General” attached, or purporting to be by order of the Inspector General, unless the officer, who publishes it, is in possession of written instructions from the Inspector General to issue such notice, and publish it “by order.”

69.—At the end of each half-year, on the 30th June and 31st December, Commissioners are to report confidentially to the Inspector General on the character, conduct and qualifications of such members of the staff as may seem, owing to good or bad causes, to require mention. Copies of such confidential despatches may be deposited in the Commissioner’s safe in the office, but, although to be numbered in consecutive series with other despatches, are not to be entered in the office letter book.

70.—Additions to, abrogations of, or alterations in Regulations, before being made public or acted upon, are required to be submitted to the Inspector General (in English, French, and Chinese) and approved of by him. In the same way, no new Rules are to be introduced, except with the written sanction of the Inspector General.

71.—Documents issued at one port are to be accepted and given effect to, as regulations may require, at any other port; but where fraud, misrepresentation, or mistake is suspected to have occurred, the Commissioner is authorised to take such action as, in his discretion, and in accordance with existing rules, he may think called for, and, in such cases, as well as where any office may seem to have acted irregularly, the office in question ought at once to be communicated with, and the circumstance reported to the Inspector General.

72.—Where the Commissioner at one port has authorised any departure from existing rules or practice in respect of vessels, merchandise or documents, he should at once apprise the port to which such vessels, merchandise or documents are going, in order that the Customs at the latter port may be informed of the circumstances, and be relieved from the necessity of taking it for granted that those concerned had been guilty of false representations at the first port, or of fraudulent substitution subsequently.

Local Loans. 73.—Commissioners are required to obtain the special authority of the Inspector General, before they are empowered to assist Chinese officials in raising Loans, whether by introducing them to capitalists or signing debentures, or promissory notes.

Guarantees. 74.—Commissioners will be held personally responsible for guarantees other than those signed before a Consul with two sufficient sureties, except in those cases where the Inspector General's written authority to accept a guarantee of another character is in the possession of the Commissioner concerned.

Uniform. 75.—The Uniform, as approved of by the Inspector General, is to be worn by the Commissioners when visiting, or receiving the visits of, Chinese Officials,—by the Assistants, when sent on special duty,—on pay days,—and on such occasions as the Commissioner may require,—and by the Out-door Staff when on duty.

76.—	*	*	*	*	*
77.—	*	*	*	*	*
78.—	*	*	*	*	*

G.—TOURS OF INSPECTION.

Inspection by Chief Secretary. 79.—The Chief Secretary of the Inspectorate General will, from time to time, visit the ports to examine the Books, Audit the Accounts, and verify office balances.

Inspection by the Inspector General, and annually by a Commissioner deputed for that purpose. 80.—The Inspector General will visit the Ports as business may require or circumstances permit. All the members of the Establishment will be required to present themselves, and complaints, statements, explanations, or suggestions, can then be laid before the Inspector General in person.

Inasmuch, however, as the Inspector General may be prevented from making such tours of inspection regularly, a Commissioner will be deputed annually—to be alternately American, British, French or German,—to make the tour of the ports: his duty will be to receive and investigate statements and explanations from any who feel aggrieved,—to note the manner in which business is transacted

at each port,—to examine the Customs' buildings and property,—to act with the Commissioner in charge in examining and granting certificates of competency to those who desire to pass in Wade's Series, etc., etc., etc.,—to observe the condition of the members of the Establishment generally,—to ascertain in what respects the manner of the performance of work at one port is superior to, simpler than, that in practice at another,—and, finally, to visit the Inspector General at Peking and report to him on the points alluded to in connexion with each port. Such tours* will be required to be completed in four months.

*N.B.—The preceding Rules are not applicable to the Marine
Department.*

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 1st November, 1869.

* The first tour will be made by M. de Meritens in 1870, and the second by Mr. Dick in 1871.

CIRCULAR No. 26 OF 1869 (FIRST SERIES).

Service Re-organization, classification of employes and rates of pay; explanations.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *1st November, 1869.*

SIR,

1.—In my Circular No. 25 of this day's date, I have communicated to you, in a fuller and more comprehensive form than circumstances admitted of when I wrote Circular No. 8, of 1864, the Rules and Regulations to which the members of the Service may appeal, and by which the Inspector General will be guided in all matters affecting the career of each individual belonging to it.

2.—You will have observed that instead of arranging the sub-ordinates as Clerks of the First, Second, Third and Fourth Classes, they have been classed as First, Second, and Third Assistants, and that, while there are to be thirty Assistants in each Class, each class will be sub-divided into three Sections, to be distinguished simply by the letters *A.*, *B.*, and *C.*: thus the First Assistants will number five *A*'s, ten *B*'s, and fifteen *C*'s,—and so on with the Second and Third.

3.—In the enclosure to the same Circular it was notified that while, as a rule, promotions in the In-door Staff (Commissionerships and Deputy Commissionerships excepted) will be made by seniority, each fifth promotion will be made by selection. The adoption of a seniority system has its good and bad sides: under it each individual will be sure of advancement when his turn comes, but the more ambitious and more able men will probably chafe at the delay which they must then, of necessity, put up with. In reserving the Commissionerships, Deputy Commissionerships and each fifth vacancy to be filled up by special selection, the Inspector General will, to some extent, continue to possess the power requisite to enable him both to bring forward the more promising men and to balance nationalities, without trenching much on that system of promotion by seniority, which, at their own wish, has now been conceded to the members of the Service. The rule which provides that, as each individual's name comes up for promotion, the Commissioner shall certify to his fitness, and that other which provides for the punishment of carelessness and incompetency, will probably suffice to keep any one from sinking into such a condition of mind as to flatter himself that, because promotion is to be by seniority, his turn, do as he may, will come just when it does, and neither

sooner nor later; the exceptions made in respect of fifth vacancies and Commissionerships, will probably stir up all to exert themselves, in order that, by proved superiority, they may increase their chances of seeing the exceptional treatment fall to their own lot; and the fact that those who do not learn Chinese cannot become Commissioners, and must remain longer in each class than those who do, will cause all to make an effort to learn, while those who really have not ability enough to learn the language, will, on the one hand, be forced to recognise their inferiority in that respect to those who go over their heads in a *Chinese Service*, and will, yet, on the other, be not too discouraged, inasmuch as time, in the shape of length of service, will be allowed to count for want of acquaintance with Chinese.

4.—In connexion with the introduction of the seniority principle, however, and having special reference to the In-door Staff, there is one point to which it is right to refer, and, in dealing with which, I think it will be seen, that, while I have tried not to be unfair to any individual, I have aimed at securing the general welfare of the whole Service. The Service is a Chinese Service: but it has cosmopolitan work to do, and existing conditions make it expedient that the composition of the Service should be cosmopolitan too. The circumstances under which it grew up tended naturally to fill its ranks with Englishmen; their present number—while still even below what it ought to be, were the proportion which British bears to other trade in China, alone considered,—continues to render it excessively difficult to be at once just to old employes and satisfy the requirements of other nationalities. What has to be done in that direction had better be provided for in the re-organization scheme that is now being issued, so that every one may see from the first where he is on the list, than that sudden and unlooked for promotions and appointments should from time to time be hereafter made, discouraging and unsettling to the minds of those thus unexpectedly passed over. Accordingly in preparing the list of Assistants now in the Service or at this day nominated to appointments, I have placed the names, generally speaking, in the order in which they are really entitled to stand (having been guided in the arrangement partly by the date on which they originally joined,—partly by that on which they received their last promotions,—partly by special services, such as having been left in charge of an office, and partly by consideration of nationality); here and there have been introduced the names of some who are not Englishmen, out of their seniority order, but in such a way as to tend in some degree to the balancing of nationalities, without

entailing great hardship on the seniors over whose heads they are placed on the list. But, while placing some of the juniors above their seniors on the list, I have made such an arrangement that—although those juniors will move up on the list as vacancies occur above them—they will not be in receipt of pay superior (but inferior) to that drawn by the seniors below them. They will continue to receive their present pay as if they had not been promoted, and when they rise on the occurrence of vacancies into a section above that in which their names are now placed, they will receive the pay—not of the Section above that in which their names now are, but—of the section above that of which they now draw the pay: *e.g.* Mr. *A. B.*'s name now appears on the list of First Assistants, Section *C.* But having reference to length of service alone, he properly belongs to the class of Second Assistants, Section *B.*, and it is the pay of the latter that he will draw: when he passes from *C.* into section *B.* he will receive the pay not of a First Assistant, Section *B.*, but of a Second Assistant of the *A.* Section:—and so on.

5.—If you will now turn to the list, you will see that to the left of each Assistant's name is a letter *A.*, *B.*, or *C.*, and a number: that gives his rank or position on the list; but to the right of each name there is a number and a letter: that indicates the nature of his emoluments and is the mark of the class and section of which (although perhaps belonging to a different class and section on the list) he is to draw the pay. This arrangement will, of course, delay the advancement of the few over whom the names of one or more of the eight or ten juniors have thus been placed,—but, to a very slight extent; it is however an arrangement in the interests of all, and, as it gives those passed up the list no immediate pecuniary advantages over others, I think it cannot fail to recommend itself as the most satisfactory settlement possible under the circumstances. In such a new Service as the Customs, a seniority of but from two to four years has in itself but a very slight claim to recognition, and it is one which such seniors would probably willingly forego in order to procure for the future the substitution of a seniority for a selection system. In the course of time, I trust to see Chinese pass from the T'ung Wên K'uan, and join our ranks as Third Assistants.

6.—The Lists of members of the Out-door Staff, Linguists, and members of the Marine Department, follow that of the In-door Staff. The only special remark I have to make about them is that promotions to the Examiner and Tide-Surveyor classes will be made by selection, advancement will then be chiefly by seniority,

each fifth vacancy excepted. The Linguists, each fifth vacancy excepted, will rise by seniority in the class they belong to, but will not pass from the Second to the First Class unless of proved fitness certified to by the Commissioner. Tidewaiters as a general rule will rise by seniority according to their classes at the ports stationed at; each fifth vacancy to be filled up by the Inspector General. In the Marine Department such appointments will be made as may seem to the Inspector General to be called for.

7.—Having explained the general idea running through this re-organization arrangement, I now append three rules for general guidance in respect of the pay to be issued to each Assistant as he passes from one Section or Class to another.

1°.—Those who draw pay of a Class Section above that to which they now belong, will receive no increase until they shall have passed into the Class Section above that of which they draw the pay.

2°.—Those who draw the pay of a Class Section below that to which they now belong, when passed successively into higher Class Sections, will draw successively the pay of the Class Sections above that of which they now draw the pay.

3°.—Those who now draw the pay of the Class Section they belong to; when promoted will draw the pay of the Class Section into which they pass.

8.—You will please to take note that (Chinese Linguists excepted) the members of the Staff, In-door and Out-door, are to be paid salary in accordance with the rules notified in Circular No. 25, of this date, and the List enclosed in this Circular, from the first of January 1870, and you will furnish each member of your Staff—Chinese not being Linguists excepted—with a copy of the list as it to-day stands, for which purpose the Printing Office will send you a sufficient number of copies. The salary to be issued to each individual Linguist will be fixed when I visit your port.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 28 OF 1869 (FIRST SERIES).

Meteorological Stations, establishment of; Commissioners to consider question and prepare suggestions.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 12th November, 1869.

SIR,

1.—I write to inform you that it is my intention to establish a Meteorological Station in connexion with each Office of Customs during the coming year, and have now to request that you will take the matter into consideration, so that, when I have the opportunity of conferring with you personally, you may be able to name to me the individuals on the strength of your establishment, who could be best trusted to take and record the necessary observations, as well as be prepared with such suggestions as may be calculated to further the general object in view.

2.—Our Offices are now to be found at points along the coasts and banks of seas and rivers, embracing land and water extending without break over some twenty degrees of latitude and ten of longitude, and our present organization is such as will enable us to record Meteorological observations without adding to our numbers, and with but little other expenditure than that to be met for the purchase of instruments. The worth of such observations to the scientific world, and the practical value they may be made to have for seafaring men and others on these Eastern Seas, will in due time be appreciated and acknowledged, and I feel confident that I have only to mention this matter to you, to interest you in it, and to secure your hearty coöperation in a scheme which will tend so powerfully to assist in throwing light on natural laws, and in bringing within the reach of scientific men facts and figures from a quarter of the globe, which, rich in phenomena, has heretofore yielded so few data for systematic generalization. In a few years these Meteorological Stations will probably have at their head an Observatory, to be established in connexion with the Peking College (T'ung Wên Kuan).

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 2 OF 1870 (FIRST SERIES).

Accounts, Receipts and Payments, ten prohibitions regarding.

INSPECTORATE GENERAL OF CUSTOMS,
SHANGHAI, *3rd March*, 1870.

SIR,

Having reference to the receipt and expenditure of official moneys, I have to call your special attention to the instructions that follow:—

1.—You are not to incur any expenditure or make any payments for which you do not hold either a special or a general authority, in writing, from the Inspectorate General.

2.—You are not to allow any expenditure to be incurred, or purchases to be made by any member of your staff, without the same being previously submitted to you, on the prescribed forms of requisition, for your authority and directions.

3.—You are not to order articles to be supplied, or work to be done, without satisfying yourself of the reasonableness of the prices to be charged—inviting Tenders or Contracts where proper, and seeing that the Department reaps the benefit of any discount, commission, etc., from any description of order or payment.

4.—You are not to pay salary in advance: all payments on account of salary and wages are to be entered in the Pay Lists monthly.

5.—You are not to make payments from your own office funds for other offices: nor are you to advance funds for other offices.

6.—You are not to settle any bill on account of travelling expenses, for which, presented in detail, on the prescribed form of "Statement," the authority of the Inspectorate General has not been obtained.

7.—You are not to appropriate, in aid of any service, moneys received from incidental or extraneous sources, such as sales of property, of old stores, etc.: they must be paid into Account *D* as "Extra Receipts."

8.—You are not to retain the Balances remaining unexpended at the close of each month beyond the time specified in Circular No. 1 of 1870.

9.—You are not to permit the monthly expenditure to exceed the amount of monthly incomings. Where, from extraordinary causes, the amount of the monthly incomings is likely to be exceeded, such excess is to form the subject of a special supplementary issue of Inspectorate funds, and you are, therefore, to submit full particulars of the same to the Inspector General in a special despatch at an early date.

10.—You are not to apply the “Customs Allowance” of the month, or the “Tonnage Dues” of the month, or the “Fines and Confiscations” of the month, or the “Fees and Special Moneys” of the month, to any other purpose than to meet the *expenditure authorized to be incurred, under each of these heads of account, during the month.*

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 9 OF 1870 (FIRST SERIES).

**Verification of Memos. and Permits by Foreign
In-door Staff obligatory.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 4th November, 1870.

SIR,

1.—A case has recently been reported to me, in which Shupan and Linguist at a Northern port have been found to have acted in collusion in a plan which has entailed loss on the revenue.

2.—Where duty has been payable *ad valorem*, and more especially in respect of Furs and Medicines, these employés have for some time back been in the habit of ignoring the values marked by the foreign examiners on the merchants' applications, and have issued Customs' Memos. on lower values arranged between themselves and the merchants: the merchants have thus been charged with only some fifty per cent of the duties for which their goods were in reality liable, and, retaining on their own account from ten to twenty per cent, have been paying the Shupan and Linguist from thirty to forty per cent as their reward for the falsifications made by them in the merchants' favour.

3.—It is possible that the same or similar malpractices may exist at other ports, and I now bring the matter to your knowledge, in order that attention may be directed to the point. If the work of the Chinese employés is unreliable, the only method of putting a stop to malpractices of the kind referred to will be to cause such work to be checked and verified by the foreign clerks. You ought not to let any document leave your Office that does not bear either your own or the initials of one of the foreign In-door Staff, and I have now to request that you will make this your rule for the future, and that you will direct special attention to be paid to the verification of Customs' Memos. and Permits of all kinds.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 11 OF 1870 (FIRST SERIES).

**Quasi-Consular Functions, exercise of, by Customs Authorities,
considerations connected with.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 10th December, 1870.

SIR,

1.—I have to call your attention to certain considerations connected with the exercise of quasi-consular functions by the Customs' authorities at the Treaty Ports.

U.S., XIX.
F., V.
N.G., IV.;
etc.

2.—In various treaties you will find it is stipulated, that, whenever such and such a Power is without a Consular agent at such and such a port, its subjects or citizens are entitled to betake themselves, should their business so require, to the Consul of any friendly Power, or to the Chinese Customs' authorities.

Art. XIX.

3.—The U.S. Treaty describes the duties thence devolving on the Customs' authorities in the words, "who shall do all that is required to conduct the ship's business;" in the French Treaty, the language used is "qui avisera au moyen d'assurer à ces capitaines et negociants le bénéfice du present traité;" the Prussian Treaty says, "qui avisera au moyen de leur assurer tous les bénéfices du present traité."

Art. V.

Art. IV.

4.—The quasi-consular functions to be exercised by the Chinese Customs' authorities may therefore be said to be limited by the other provisions of the treaties.

5.—Among the more important Treaty provisions in this connection, are those which relate to extra-territoriality. They stipulate that all questions in regard to rights, whether of property or person, arising between the subjects or citizens of any one Power shall be subject to the jurisdiction of the authorities of that Power, and that all controversies, occurring in China between the subjects or citizens of any one Treaty Power, and those of any other, shall be regulated by the Treaties existing between those Powers respectively, without interference on the part of China. Wherever, however, in such controversies, Chinese subjects are parties involved, the Chinese authority may sit as assessor, and assist the foreign authority to examine into the merits of the case and decide it equitably.

6.—It would thus appear that the duties to be undertaken by the Customs' authorities in the absence of Consuls do not include all the functions which, under the treaties, are to be exercised by Consuls properly so called; and it will be more correct to describe such duties as Chinese duties undertaken by Chinese in the absence of foreign officials, than as Consular duties performed for absent Consuls. What those duties are, it is the object of this Circular, there being as yet no instructions in existence, to define.

7.—The object the foreign negotiator had in view, in stipulating that merchants and shipmasters might apply to the Customs in the absence of a Consul, would appear to be simply to enable them to avail themselves of the advantages secured by treaties for the subjects or citizens of Treaty Powers under the "most favoured nation" clause.

8.—Shipmasters report their arrival and deposit their ships' papers and manifests at the Consulate, before Consuls report vessels to the Customs, and before the Customs grant permits to open hatches. At the Consulate, the shipmaster may have a protest to note or extend, bills of lading to be counter-signed, invoices to be endorsed, powers of attorney to be attested, sailors to be shipped or discharged, etc., etc., etc. Finally having completed the discharge and shipment of cargo, and paid dues and duties, manifests are handed in, grand chops issued, ships' papers returned, and clearances granted.

The various acts that a Consul would be called on to perform, to facilitate a ship's working in the respects just alluded to, may be

performed by the Customs' authorities. While the Customs attend to such matters in the interest of shipowners, the control to be exercised over the vessel is, however, of a much more limited kind than that wielded by the Consul: still some power is, notwithstanding, in the hands of the Customs. Thus, until the vessel has moored in accordance with the wishes of the Harbour Master, the permit to open hatches can be withheld: if a false manifest is presented, the issue of permits can be discontinued till the fine is paid: although the discharge and shipment of cargo may have been completed, the return of the ship's papers can be refused until all dues or duties have been paid: if the master desires to discharge any of his crew, permission to do so can be withheld until the discharged are provided with other employment, or sufficient money is lodged with the Customs to procure them a steerage passage home, and, failing compliance, the ship's papers may be withheld in the event of any vessel proceeding to discharge men otherwise.

9.—Resident merchants may require the aid of Consuls to procure the seal of the local officials to deeds of sale or leases of land or houses, and to obtain passports, transit certificates and Customs' documents of various kinds, and they may want the Consular seal or signature for papers of several descriptions: in all these matters, the Customs' authority, it would appear, is competent to act in the absence of a Consul, so as to secure to the merchant all the benefits of the Treaty. In connection with such work, however, I do not see that the Customs can exercise any control over the merchant, further than to refuse to perform such acts for him in the event of his failing to comply with any of the conditions which could be exacted from other merchants controlled by Consuls on the spot.

10.—There is another kind of assistance which might perhaps be demanded at the hands of the Customs' authority. If the shipmaster or merchant has a complaint to prefer against Chinese, he is perhaps entitled to place it before the Customs' authority. In such cases, a distinction might fairly be made between criminal and civil causes. In a criminal cause, where the consularly-unrepresented foreigner applies to the Customs, it is to do some such thing as procure the punishment of some one who has robbed or assaulted him: there, the Customs' authority, in assisting the complainant, is of use to the public, and there can be no objection to rendering all possible aid as authorised by Chinese law and procedure; the only thing to be remembered, in this connection, is that there is no obligation to indemnify the persons robbed. In civil causes the position is somewhat different, for, if the Chinese see the Customs

interfering to procure satisfaction for the claims of foreigners from Chinese, they will naturally be led in turn to apply to the same authority to procure satisfaction for themselves from the foreigner; now, in such cases, the Chinese authority, when taking action in the absence of a Consul, is not only unable to enforce its decisions, but is dealing with persons and questions either wholly or in part removed from Chinese jurisdiction by Treaty, so that, in such matters, it would be well to refuse to take action, if applied to, until the applicant binds himself, with sufficient securities, not only to abide by the decision of the Customs' authority in the cause in question, but to accept its jurisdiction in all civil questions to which Chinese are parties while resident at the port, and in the absence of a Consul. Unless such a bond is entered into, the Chinese authorities would seem to be quite justified in refusing to take cognizance of civil cases sought to be placed before their courts by foreigners who are both extraterritorialised and unrepresented consularly.

11.—There are certain cases from taking action in which the Customs' authority is by Treaty prevented: viz. those in which questions affecting property or person arise between the subjects or citizens of any Treaty Power, when the questions are to be dealt with by the officials of that Power, and those cases in which controversies arise between the subjects or citizens of two or more foreign Powers, when the points at issue are to be dealt with by the officials of those Powers, taking action in accordance with either the stipulations of treaties existing between such Powers or international law and usage. From taking cognizance of such questions the Chinese authority is expressly by Treaty prevented, and it is of this freedom from Chinese jurisdiction, where rights of property or person are concerned, that the extra-territoriality of foreigners resident in China consists. The Chinese authority is accordingly not entitled to take action, when a Consul is absent, in questions the parties to which are foreigners. It may, however, sometimes happen that in cases where ships or their cargoes are concerned, the Commissioner of Customs may be invited to decide the point at issue. Should such ever happen there are three things to be remembered: on the one hand, the Commissioner has no means of enforcing his decision, and, on the other, he ought, before taking any action whatever, to require all the parties concerned to sign a document requesting him to examine and decide, and undertaking to accept and abide by his decision, and, moreover, the Commissioner must remember that, in such cases, he is neither acting for an absent Consul nor for the Chinese authority, but is simply engaged in his private character, and as an individual, to arbitrate between the

parties on the point at issue. Where, however, there are not only extraterritorialised consularly-unrepresented foreigners, but also Chinese, parties to such a suit, the Chinese authority is entitled to sit with the foreign authority as assessor; nevertheless, in such cases, where there is no Consul at the port, and all the parties wish the Commissioner to act, he ought to confine himself to examining into the case, and drawing up a full record, to which he may append, not his decision, but his opinion as to the decision he thinks called for; such opinion may be communicated to the parties to the suit, but the Commissioner is not empowered to enforce its acceptance on either party, and, as for the record, the original should be preserved, and a copy forwarded to the foreign authority entitled, in the absence of a Consul, to take cognizance of occurrences at the port concerned.

12.—There is yet another set of cases to be dealt with, viz. those which arise from the presence of the subjects or citizens of non-Treaty Powers.

(a.) Portugal, a non-Treaty Power, has Consuls, recognised by the local territorial authorities, at almost all the open ports: in cases that arise affecting Portuguese, the Commissioner need not interfere, but may leave the matter to be dealt with by the individual who holds the appointment as Consul.

(b.) Siam, into the nature of whose connection with China I need not enter, may be styled a non-Treaty Power, consularly unrepresented. Siamese residing at any port are under Chinese jurisdiction, and the Commissioner is not to interfere in matters concerning them further than he would were they really Chinese subjects; Siamese junks, of the junk type, and having no foreign sailing masters on board, are to be dealt with by the local authorities, and are only to be touched by the Commissioners on such occasions as he would have to take action were they Chinese and not Siamese; Siamese vessels, of the foreign type, having or not having foreign sailing masters on board, are partly under the jurisdiction of the local Chinese officials, partly under that of foreign Consuls, and partly under that of the Commissioner—thus, the papers are to be lodged with the Commissioner, and, in all matters affecting shipment or discharge of cargo, berthing of ships, payment of duties, observance of port regulations, etc., the Commissioner is empowered to deal with them and to enforce his decisions by fines, and his fines by stopping the ship's working or withholding her clearance, while, as for the foreign sailing masters on board, they and their foreign seamen are respectively subject to the authority of the Consul of their nation (foreigners in Siam being extraterritorialised too),

and, as for the Siamese sailors, they are to be dealt with by the local Chinese officials, just as though they were Siamese resident on shore.

(c.) Where other non-Treaty-Power foreigners are concerned—the South American Republics, for instance—if there is a recognised Consul, action should be allowed to be taken as in the case of Portugal; if there be no Consul, it would be well if questions affecting residents could be dealt with by the local Chinese officials, having, as assessors, the Commissioner and any two Treaty-Power Consuls who may, on invitation, consent to act as such, and, in the case of ships, the papers may either be lodged with a Treaty-Power Consul or with the Customs, when, if lodged with a Consul, action is to be taken as in the case of Portugal, and, if with the Customs, in accordance with sections 8, 9, 10, and 11 of this Circular.

13.—In the instances referred to in sections 8, 9, and 10, the Commissioner, if taking action, should sign as “Commissioner of Customs acting, under Treaty, as Chinese authority in the absence of a Consul.” In instances of the kind referred to in the first part of section 11, the Commissioner acts as a private individual, and is not to date his papers from the Custom House, sign as Commissioner of Customs, use the Commissioner’s seal, or sign “for” Consul or any other authority; in those of the kind referred to in the latter part of the 11th section, the Commissioner is to sign “Commissioner of Customs, holding a court of enquiry at the request of the parties to the suit.” In cases affecting consularly-unrepresented non-Treaty-Power foreigners,—*e.g.*, Siamese, etc.,—as in section 12, he is to sign simply as “Commissioner of Customs.”

14.—As far as may be possible, the Commissioner is to confine his action, taken for the Chinese authority in the absence of a Consul, to the regulation of questions affecting trade with China under the Treaties, and is to refrain from meddling with those matters, and those classes of questions which the extraterritorial stipulation reserves to be dealt with by foreign officials. Acting is to be regulated by attention to the object the Treaties had in view in stipulating for the right of placing matters in the hands of the Chinese authority; but while the Commissioner, in the absence of Consuls, is simply to exert himself to procure for the consularly unrepresented as many facilities for engaging in trade as would be enjoyed by them were there a Consul at the port, it is also his duty to take such action as will ensure as full a compliance with port rules and Customs’ regulations: what that action ought to be, preceding paragraphs have already suggested or explained.

15.—This is the first Circular that has treated of the performance of such duties by the Chinese Customs' authority in the absence of Consuls; should emendations or additions be called for, future Circulars will convey the requisite instructions. In the meantime, you will be careful to act in accordance with what has been now laid down for your guidance.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 16 OF 1870 (FIRST SERIES).

Tonnage Dues Regulations, new set of, forwarding.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st December, 1870.

SIR,

1.—Some matters affecting liability to Tonnage Dues have recently had to be dealt with, and the opportunity has been taken advantage of to bring together into one set of rules the various regulations that from time to time have been drawn up. I enclose copies in Chinese and English of the Tonnage Dues Regulations as they now stand, and which, in all, are eleven in number.

2.—The English Measurement Ton continues to be, as, from the time of the first treaties, it has been, the standard by which the Chinese Customs' Authorities assess merchant vessels for payment of Tonnage Dues. The first Regulation defines the rates payable according to Tonnage, and gives a table—the same that is adopted for the Danube—for the reduction of various national expressions to the standard measurement.

3.—The second Regulation defines the time when Tonnage Dues are incurred. It is to be noted that a vessel may remain more than forty-eight hours in port without liability, provided the master, within forty-eight hours after arrival, has given notice of his intention to depart without breaking bulk. Again Tonnage Dues are held to have been incurred when a permit to break bulk is applied for, although forty-eight hours may not have expired since arrival. For the purposes of these Regulations, the words "to break bulk" are to be construed to mean as well the shipment, as

the discharge of cargo; they also embrace the landing or receiving of passengers by vessels arriving from foreign ports without, or from coast ports with, Special Certificates.

4.—The third Regulation names the places to which vessels may go without invalidating the Four Months' Special Certificate claimable under treaty.

5.—The fourth Regulation authorises the issue of a Four Months' Special Certificate, irrespectively of the place cleared for, provided the vessel applies to be measured by the Customs and pays Tonnage Dues on the Customs' measurement. As this rule will virtually add Bangkok, Singapore, Penang, Batavia, etc., to the list of places mentioned in the preceding Regulation, the privilege to be thereby gained will probably induce the generality of coasting vessels to take out Certificates of Measurement from the Customs, and in that way bring to an end the occurrence of disputes, where vessels, not already described after the standard measurement, are concerned.

Where application for measurement is made, it should be handed in in writing, and carefully filed and kept. The Commissioner will appoint one (preferably the Harbour Master), and the shipmaster, if he likes, a second person, who, together, are to measure the vessel: any expenses attending the measurement are to be borne by the shipmaster. The Certificate of Measurement, duly signed by the surveyors employed to measure her, ought to be countersigned and sealed by the Commissioner; forms will be supplied by the Shanghai Office for general use.

You will note that this Regulation is experimental and open to revision.

6.—The fifth Regulation defines the non-liability of vessels carrying passengers or duty-free goods, whether plying within the limits of one port, or from any port to another, and it also states the liability of vessels arriving from foreign ports with passengers, and of vessels from coast ports which, at the time of expiration of the Four Months' Certificate, may chance to arrive with passengers only.

7.—The sixth Regulation will affect the payment of Tonnage Dues by the steamers which arrive with the mails from Southampton, Marseilles, and San Francisco to Shanghai, and from the two former places to Swatow, Amoy, and Foochow. It lays down that the Four Months' Certificate shall not be for the individual vessels named so and so, but for the vessel starting with the

corresponding mail during each of the other three months that the Certificate covers. The justification of such exceptional treatment, conferring a privilege on Government Mail Steamers, is to be found in the fact, not that they are Government vessels, but that, subsidised by Government to carry the public mails, they are bound by contract, and are under heavy penalties, to depart so many times, and arrive so many times a month, no matter whether they have freight or passengers, and cannot wait for the chances of business that private companies are guided by in despatching or laying up their steamers; and the principle of the regulation is, that there are to be just as many payments every four months as there are contract departures in one month, no matter which of the company's vessels it may be that goes out with the mail.

You will note that the privilege only covers vessels, the property of the company, actually departing with a contract mail, and that it is experimental, and open to revision.

8.—The seventh Regulation defines the non-liability of vessels entering port for shelter. You will note that any shipment or discharge of cargo, other than such as may be requisite in order to docking or repairs, is to deprive the vessel concerned of her title to non-liability, and you will be careful to observe the distinction between vessels from foreign ports and those which arrive with the Special Certificate, the rule being that, in the case of the latter class of vessels, the time spent in shelter is to be added to the four months for which the Certificate was originally granted. In order to be recognised as entered not for trade, but for shelter, a vessel must be so reported by the Consul on arrival, and, lest trading vessels should be inconvenienced, vessels in shelter must be anchored in berths specially designated by the Customs.

9.—The eighth Regulation recognises a steamer entering for coals, while prosecuting a voyage to another port, as arrived for shelter, and exempts her from Tonnage Dues; but such steamer must neither discharge nor ship (coals excepted) cargo, and, although she may take away passengers, she will forfeit her non-liability if she lands any,—the reason of this distinction being,—that a previous intention to trade at the port entered is deducible from the landing of passengers, while it would be hard on the people at a port to be deprived of the chance of departure which the unexpected arrival of a steamer might put in their way. Propelling space is exempt from Tonnage Dues.

10.—The ninth, tenth and eleventh Regulations refer respectively to the liabilities of Chinese junks chartered by foreign merchants

along the coast or on the Yangtze, Steamers plying as Tugs, and licensed Pilot Boats. They simply re-state existing rules, and call for no comment or explanation.

11.—You will be careful to be guided in all matters concerning the payment of Tonnage Dues by the Eleven Regulations now issued, and, in the event of difficulty or dispute, you will take action under the seventh of the Joint Investigation Rules.

I am, etc.,

(signed) ROBERT HART.

I.G.

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ENCLOSURE No. 1.

RULES OF THE CHINESE MARITIME CUSTOMS:— TONNAGE DUES' REGULATIONS.

1. Rates payable as Tonnage Dues. Merchant vessels of more than one hundred and fifty tons burden shall be charged Tonnage Dues at the rate of Four Mace per Ton; if of one hundred and fifty tons, and under, they shall be charged at the rate of One Mace per Ton.

The scale according to which conversion into Tons, English measurement, is effected, is that instituted at Galatz, in 1865, for vessels navigating the Danube. It is as follows:—

VESSELS.	FACTOR BY WHICH THE UNIT OF MEASUREMENT OF EVERY COUNTRY HAS TO BE MULTIPLIED.		REMARKS.
	Tons.	Burdens.	
Austrian	0.82	..	1 ton English = $61\frac{53}{100}$ Constantino- politan Kilos.
French	1.00	..	
Italian	0.89	..	
Turkish . . . . .	..	..
Prussian . . . . .	..	1.50
Russian	1.08	1.89	
American (United States) . .	1.00	..	
Belgian	0.95	1.81	
Bremen . . . . .	..	1.89
Danish	1.02	1.96	
Spanish	1.00	..	
Greek	0.76	..	
Hamburg . . . . .	..	2.25
Hanoverian	0.98	2.25	
Dutch	0.89	1.75	
Lübeck	1.89	$\left\{ \begin{array}{l} 1 \text{ ton English} = 4\frac{82}{100} \text{ Galatz Kilos.} \\ 3\frac{1}{100} \text{ Bräila Kilos.} \end{array} \right.$
Mecklenburg	1.09	2.44	
Norwegian	0.98	2.08	
Oldenburg . . . . .	..	1.50
The United Principalities . .	1.00	..	
Swedish	1.02	1.98	

2. Tonnage Dues: when incurred. Masters of merchant vessels may within Forty-eight Hours after arrival, but not later, decide to depart without breaking bulk, in which case, due notice having been given to the Customs, they will not be subject to pay Tonnage Dues. But Tonnage Dues shall be held due after

the expiration of the said Forty-eight Hours, or on application to break bulk, whichever first happens.

3. Ports which may be traded with under the Treaty Four Months' Certificate. Any vessel clearing from any of the open ports of China for any other of the open ports, or for Hongkong, Manila, Saigon, Japan, or Russian ports south of the Amoor, shall be entitled, on application of the master, to a Special Certificate from the Customs, on exhibition of which she shall be exempted from all further payment of Tonnage Dues in any open port in China, for a period of four calendar months, to be reckoned from the date of her port clearance.

4. Customs' Four Months' Certificate: to what vessels given. Four Months' Tonnage Exemption Certificates, *irrespective of the place or port cleared for*, are granted to vessels which apply to the Customs for measurement, and pay Tonnage Dues accordingly.

The Certificates of measurement thus issued by the Customs are to be presented whenever Tonnage Dues are again leviable. This Regulation is experimental and open to revision.

5. Vessels carrying duty-free goods or passengers: when liable for Tonnage Dues. No Tonnage Dues shall be leviable on boats employed in the conveyance of passengers, baggage, letters, articles of provision, or other articles not subject to duty, in or between any of the open ports of China. All cargo boats, however, or boats conveying merchandise subject to duty, shall pay Tonnage Dues once in four months at the rate of One Mace per Ton if under, and Four Mace if over, 150 tons burden. Vessels entering port to land passengers, if from ports other than the open ports of China, are liable to Tonnage Dues; and vessels plying under Four Months' Certificates, if ordinarily engaged in the transport of dutiable merchandise, will not be exempt from Tonnage Dues, should they enter port to land passengers only, at the time of expiration of Certificate.

6. Tonnage Dues payable by Government Mail Steamers. In the case of companies which carry the Public Mails between foreign countries and China, established and subsidised by Government, whose steam vessels enter and depart regularly, and which have dates and number of times of departure with mails fixed by contract, the Four Months' Certificate issued will be,—not for the individual vessel named so and so, but—for whatever steamer may carry the mail. The payment of Tonnage Dues once will thus clear the company from liability for Four Months in respect of such

steamers, the property of the company, as carry the mails that accord with those carried by the vessel which originally paid Tonnage Dues (*i.e.* for Monthly mails there will be one payment; for Bi-monthly mails, two payments; for Weekly mails, four payments, every four months: and so on). Other steamers, the property of such companies, entering port, but not intended to depart, or not departing, with the regular mails aforesaid, are not covered by this special Regulation, but must pay Tonnage Dues like all other trading vessels on the expiration of Forty-eight Hours from the time of arrival. This Regulation is experimental, and open to revision.

7. Liability of vessels entering port for shelter. In the case of vessels entering port for shelter, the Consul concerned will report them to the Customs as therefor arrived, and will exhibit the clearance issued at the port of departure.

Such vessels will be required to observe all the rules and regulations of the port, and will have to anchor in berths assigned by the Customs, so as not to be in the way of others actually engaged in trade. Tidewaiters will be placed on board to keep watch as usual.

When the vessel is from a foreign port, she will be entitled to depart without payment of Tonnage Dues; when from a coast port, and provided with a Four Months' Certificate, the days spent for shelter in port are not to be reckoned in calculating the vessel's liability for Tonnage Dues, and a note, to subduct them, is to be made on the Certificate by the Customs, when the vessel is about to depart.

Excepting those which, to undergo repairs must necessarily temporarily discharge cargo, vessels arriving for shelter must neither load nor discharge; if arrived in ballast, they must depart in ballast, and if arrived laden, they must take away the original cargo. Any vessel which, after having been reported in the above manner by the Consul, ships or discharges cargo, will be liable for Tonnage Dues, but those which hold the Special Certificate will be dealt with according to the number of days spent as reported.

8.—Liability of steamers short of fuel, entering to coal. 8.—Steamers *en route* to another port, if forced to enter any port to coal, will be treated as arriving for shelter, and if they neither land passengers, nor ship nor discharge cargo, will be exempt from Tonnage Dues, although coaling to prosecute their voyage.

The Tonnage allowed for in the vessel's Register for propelling space is exempt from Tonnage Dues.

- 9.—Liability of Chinese Junks chartered by foreign merchants. Chinese Junks, chartered by foreign merchants, are required to pay Port Dues according to the Chinese Tariff, if trading on the Yangtsze, and Tonnage Dues every four months, if trading between ports on the seaboard, at the rate of One Mace if under, and Four Mace if over, 150 tons burden.
- 10.—Liability of Steam Tugs. Steam Tugs pay Tonnage Dues every four months according to Tonnage.
- 11.—Liability of Pilot Boats. Pilot Boats are exempted from payment of Tonnage Dues by the Chinese Pilotage Regulations.
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ENCLOSURE No. 2.

大清欽命總理各國事務衙門

割行事同治九年閏十月初五日據總稅務司申稱竊查洋商船隻完納鈔課原應畫一辦理始為允協惟其間應徵應免各事非但各國條約本有不同即善後所添章程亦多零星未能齊楚且有隨時更改因時制宜修補文件以致條款重複章程紛雜擬議不一其勢實難一律遵行茲將條約章程善後條款並往來文件詳加核對復以各口情形各關辦法細為比較綜紛緒各條核存備各款作成各關徵免洋商船鈔章程十一條彙訂清單即煩核奪轉飭遵行以免紛歧而歸畫一等因前來當經本衙門將章程十一條詳加查核尚屬周妥除將章程開明咨行南北洋通商大臣轉飭各關遵照並照會

各國大臣查照外相應將章程十一條割行總稅務司轉行各口一體遵照辦理可也須至割者計章
程十一條

同治玖年拾壹月

右割布政使銜總稅務司赫准此
日

各關徵免洋商船鈔章程十一條

一洋商船隻應納鈔課壹百伍拾噸以上每噸納鈔銀四錢一百五十噸正及一百五十噸以下每噸納鈔銀一錢惟各國噸數拉司數大小多寡不同而各關以英噸為準則應照泰西一千八百六十五年在噶拉所立之核算清單辦理

噶拉所立核算清單列後

奧國噸數

法國噸數

意國噸數

土耳國噸數

布國拉司

俄國噸數

其數為英噸
與英噸同

其數為英噸

其數為英噸

其數為英噸

其數為英噸

乘以捌拾貳

乘以捌拾玖

乘以壹百伍拾

乘以壹百零捌

乘以壹百捌拾玖

除以壹百

除以壹百

除以陸千壹百伍拾叁

除以壹百

除以壹百

美國噸數	乘以壹百	除以壹百	與英噸同
比國噸數	乘以壹百捌拾伍	除以壹百	其數爲英噸
伯爾們拉司	乘以壹百捌拾玖	除以壹百	其數爲英噸
丹國噸數	乘以壹百零貳	除以壹百	其數爲英噸
日國噸數	乘以壹百	除以壹百	與英噸同
希國噸數	乘以柒拾陸	除以壹百	其數爲英噸
昂布爾拉司	乘以貳百貳拾伍	除以壹百	其數爲英噸
漢諾威噸數	乘以貳百貳拾伍	除以壹百	其數爲英噸
荷蘭國噸數	乘以壹百柒拾玖	除以壹百	其數爲英噸
律伯克拉司	乘以壹百捌拾玖	除以壹百	其數爲英噸
模令布爾額司	乘以貳百肆拾肆	除以壹百	其數爲英噸
挪爾爲國噸數	乘以貳百零捌	除以壹百	其數爲英噸
阿爾散布爾額拉司	乘以壹百伍拾	除以壹百	其數爲英噸
合一國噸數	乘以壹百	除以壹百	其數爲英噸
瑞國噸數	乘以壹百零貳	除以壹百	其數爲英噸
一各國商船進口尚未開艙欲行他往者限二日之內赴關報明則出口時不徵船鈔倘逾二日之限即須全數輸納若未逾二日之限始領開艙准單即須當時輸納船鈔			
一各國商船出口欲往通商他口並香港呂宋安南日本呢廓來業福斯克等處該船主赴關報明由關發給專照			
一自領紅單之日起以四個月爲期如係往以上所指各口者其復進通商口岸時如在限內仍勿庸另行納鈔			
一各國商船准赴各關請由該關派人度量其船再照所算之噸數納鈔由關發給量船執照爲憑此等船出口時			

與英噸同若係噶拉基羅乘以壹百除以肆百捌拾貳若辦拉基羅乘以壹百除以叁百零壹

無論赴何地何處均准自領紅單之日起以四個月爲期復在通商口岸往來毋庸另納船鈔凡遇進口時應將量船執照呈關查驗以便各關征鈔之事得以畫一辦理試辦再議

一 凡通商口岸洋商自用艇隻運帶客人行李書信食物及例不納稅之物勿庸完鈔倘帶例應完稅之貨其船在一百五十噸以下者則每四個月納鈔一次每噸銀一錢惟由他國所來之船進口時雖係搭客未裝貨物仍應納鈔其執有四個月專照者倘係向常運貨來往若遇專照應銷之日雖係祇搭客進口仍應照四個月之例納鈔辦理

一 凡有公司輪船其由某國立定合同設傳文信按期定數由外國來往外國去者各關所給之四個月專照即可勿用指定某船收執緣此項船隻有時抵充來往既係公司按期出口之船即按其已納一次之鈔免四個月之鈔計算凡有該公司另項輪船進口並非抵額設等船之用者不在此例仍應按某船進口某船完鈔辦理試辦再議

一 凡有商船收口躲避者其進口時須由領事官行文知照海關並將其未後出口單送關查閱以資稽查該船須遵守該口一切章程由關擇訂停泊處所不致與另項貿易船隻日行事宜有所窒礙並隨時派差看守倘係從外國來者則應按約免征船鈔放行倘係來自通商別口執有四個專照者則計在口內躲避日期應扣除核算由該關註明專照放行惟該船除應修理方准照章起貨暫時存棧外其餘各船若係空船進口仍須空船出口若係裝貨進口仍須原船原貨出口凡有收口後在本口起卸貨物或零裝貨物販運出口者自應照約完納船鈔仍由該關查明有無專照進口按躲避日期核算辦理

一 凡有往他口之輪船因煤炭燒完進此口買煤炭而復行者該船實非搭客進口在口內並無起貨下貨等事自應按躲避收口例免征其鈔放行

至納鈔者其牌內註明煤鎗及內輪器具各處之噸數均應免納

一 凡有洋商僱用內地船隻在長江一帶運貨者該船到關仍照內地船隻完納船鈔若在沿海各口來往者其船在一百五十噸以上者即應每四個月納鈔一次每噸銀一錢

一 通商各口凡有拖帶船隻之輪船均應每逢四個月按其噸數納鈔一次
一 凡引水之船自與商船有別准照引水章程免納船鈔來往

CIRCULAR No. 18 OF 1870 (FIRST SERIES).

Tonnage Dues, payment of, by North-German vessels, and
calling for two tables concerning.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st *December*, 1870.

SIR,

1.—When the Treaties of 1843 substituted Tonnage Dues at a fixed rate for the heavy and somewhat irregularly levied charges on shipping that had till then existed at Canton, the English Ton was accepted as the standard, and has ever since remained so in respect of payment of Tonnage Dues. The Treaties subsequently negotiated at Tientsin and Peking, between 1858 and 1870, lowered the rate per Ton, but continued to make Dues payable on Tonnage measurement, and to accept the English standard.

2.—It happened, however, that, although all Treaty Powers negotiated for payment of Dues on measurement specified in Tons, several of them were, and still are, in the habit of describing their vessels in official registers as being of so many Lasts or Burdens, and not Tons. In the case of Denmark, I chanced to be at Peking during the negotiations, and, when consulted by the Danish Minister on the subject, I advised that, as Danish Registers specified Lasts and not Tons, the Danish Treaty should state the relation between Lasts and Tons, and the 28th Article accordingly defined it. Previously, however, the Prussian Treaty, drawn up at Tientsin in 1861, and negotiated on behalf of some twenty different states, had provided for the payment of Tonnage Dues per Ton, when, not only did those States describe their vessels' measurements in Lasts, but the Lasts of those States were of several different kinds.

3.—Difficulties appeared in 1862. I then consulted with the North-German Consuls at Canton, and with such merchants as could furnish information; the Rules there framed, for the conversion of Lasts into Tons in the case of vessels unable to produce certificates of measurement issued at British ports, were notified in my Circular No. 17 of 1863. They secured, on the whole, fair uniformity in the collection of Tonnage Dues, but, even under them, disputes occasionally arose. On one occasion, in particular, the Yamên's correspondence with the Prussian Minister respecting the different figures, in which tonnage of the "Albert Jurss" had been described, elicited a strong expression of His Excellency's disapproval of the Consular action, and an order that the vessel should pay on the highest tonnage ever reported.

4.—It was then that it was decided to measure vessels when necessary, and rules issued to that effect in Circular No. 1 of 1869 were promulgated by the authority of the Yamên and with the approval of the Prussian Minister. The principle of those rules, you will remember, was that either party might demand a survey, and that either party failing to justify the demand, should pay the measurement fees.

5.—This measurement regulation was not thought well of by the Prussian Government, and the North-German Minister was instructed to propose the acceptance of the Galatz Table for general use. As the Table in question was known to be in operation on the Danube, with the approbation of all Powers, the Yamên accepted it, and, in my Circular No. 20 of 1869, you were directed to be guided by it.

6.—A mistake in the Table was subsequently detected and traced to the copy sent from Berlin; this necessitated the issue of another Circular, and No. 8 of 1870 made the correction asked for by the Prussian Government, changing the factor for Hamburg Tonnage from 2.77 to 2.25; it besides informed you of the North-German Minister's request that, when any vessel could present a certificate of measurement obtained at a British port, it should be used for the calculation of Tonnage Dues without reference to the Galatz Table. This suggestion and correction, you will see, brought back the rules for the conversion of Hamburg Lasts into Tons, to the very position in which my Circular No. 17 of 1863 had originally placed them.

7.—Difficulties, however, were not yet at an end, and during the summer of 1870, the North-German Minister, after stating that he had not hitherto taken the matter up inasmuch as the complaints of the North-German Shipmasters, though numerous, were neither detailed nor substantiated, went on to say in a despatch to the Yamên, that he had been instructed by his Government to claim the refund of five hundred dollars and more, overcharged in collecting Tonnage Dues from the Hamburg ships "Maury," "Albatross," "Civiale" and "Hydra." This claim, His Excellency added, was so perfectly established by documentary proof, that it was expected to be paid without question, and, as its authenticity was regarded as substantiating all the complaints previously made, the Yamên was requested to issue orders to the Customs to put an end to the irregular and arbitrary collection of Tonnage Dues to which North-German Shipmasters were invidiously and malevolently subjected. The complaint, with the particulars of the claim for refund, came before me, and was duly sent on to the offices

concerned for explanation. The result, so far from proving that the Customs have acted irregularly or arbitrarily, or that a refund of five hundred dollars is due, proves, on the other hand, that out of twenty-seven occasions on which the said four vessels were reported for payment of Tonnage Dues, at five different ports, by six or eight different Consuls, there was not a single occasion on which any one of them was reported according to the Tonnage the Claimants' documents make them to have been of, as *per* British Certificates obtained before coming to China, while there were only three occasions, on which their Tonnage, whether reported in Tons or Lasts, did not pay Dues considerably below the amount leviable on the measurement specified in their national Registers, treated by the Galatz Table; so that, instead of five hundred dollars being due to the claimants, the Chinese Customs now claim from them almost as many Taels on account of Tonnage Dues underpaid. No wonder the Hamburg owner complained of irregularities! But it was in the reports made to the Customs by Consuls, or Shipmasters, and not in the Customs' action on those reports, that the cause was to be found. On no occasion did the Customs do other than collect on the Tonnage reported by the Consul or Shipmaster, and, while the claimants argued that the lowest payment ever made should rule, the result of the enquiry proves that, in most cases, the highest amount paid was considerably below what ought to have been paid. A sum of almost Five hundred Taels having been thus found to be due by the four ships referred to, it is now feared that a very considerable sum has been lost to the Revenue, through Tonnage Dues short paid by the numerous North-German Vessels that have traded on the coast since 1861, and full enquiry is to be made, so that all particulars may be at hand in convenient form.

8.—I have accordingly to call upon your office to supply me with two returns: the first, according to date, giving a list in simple chronological order, from the 1st January, 1862, to the 31st December, 1870, of North-German vessels as entered at your port, and the second, according to vessels, showing the several occasions on which each was reported. These lists will probably take long to compile, but, as neither of them will be very difficult, they cannot give your office more than mere copying work in their preparation. *You will be careful, however, to have each entry compared with the corresponding Consular report, and verified.*

I am, etc.,

(signed) ROBERT HART,
I.G.

2.—RETURNS SHOWING THE DIFFERENT OCCASIONS ON WHICH EACH VESSEL WAS REPORTED AT THE CUSTOMS
BETWEEN THE 1ST JANUARY, 1862, AND THE 31ST DECEMBER, 1870.

No. as entered on the chronological list preceding.	VESSEL'S NAME.	FLAG.	DATE OF CONSULAR REPORT.	Consul by whom reported: if not by Consul, write <i>Captain</i> .	VESSEL'S MEASUREMENT AS REPORTED.		Tonnage on which Tonnage Dues were paid.	TONNAGE DUES PAID.
					If reported in Tons.	If reported in Lasts, and specifying kind of Last.		
1.	Civiale	Hamburg..	1 Feb: 1862 . . .	m. n.		193 Hamburg ..	434½	Tls. 173.7.0.0
20.	"	" ..	1 Mar: 1863 . . .	n. m.	400		400	" 160.0.0.0
245.	"	" ..	1 Oct: 1867 . . .	Captain		175 Prussian . . .	262½	" 95.0.0.0
840.	"	" ..	1 July 1870 . . .	P. P.		193 Hamburg ..	434½	" 173.7.0.0
900.	"	" ..	1 Aug: 1870 . . .	"		193 Hamburg ..	"	Four Months' Certificate.

Note.—Supposing the "Civiale" to have been entered five times during the nine years, she will appear thus in Return 2. Other vessels to be entered accordingly.

CIRCULAR No. 25 OF 1870 (FIRST SERIES).

Tonnage Dues, application of, enclosing two Memos. regarding.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st *December*, 1870.

SIR,

I am now preparing a memorandum concerning the application of the Tonnage Dues collected on Foreign Shipping, but, as in one of its paragraphs there is to be a statement of expenditure to date, I shall not be able to close it till I receive the account for the Quarter that ends to-day. It is desirable to furnish each Office with a copy, and I shall issue it, together with a copy of an earlier memorandum, as enclosures in this Circular, which, although being of to-day's date, will not be despatched till the memorandum shall have been completed.

I am, etc.,

(signed) ROBERT HART,
I.G.

ENCLOSURE (a).

COAST LIGHT MEMORANDUM.

The coast of China,—if it has its fogs in spring, its typhoons in autumn, and its heavy northerly blows in winter,—is comparatively free from the shoals, sunken rocks and dangerous headlands which in other parts of the world contribute so much to swell the account of losses by shipwreck. A properly prepared resumé of the marine mishaps of the last five and twenty years would go far to show that, typhoons excepted, the causes must be looked for—not so much in the dangers of the navigation, as—in the carelessness of those on watch resulting in collision, fire, or stranding, and in the reckless competition which has sent goodly vessels to the bottom with all sail set. Much, therefore, as the appropriation of funds to the purpose of lighting the coast may do towards ensuring against the few dangers that do exist, it may almost be said to have for its object the convenience of navigators rather than the security of life and property at sea.

The alarming proportions at one time assumed by the Taeping movement increased the difficulty of providing funds for the payment of the troops in this lightly taxed country, and the Government had, therefore, to avail itself of the bulk of the monies which, known to Europeans by the name of “Tonnage Dues,” and held by them to form a special fund for the carrying out of such public works as should give increased facilities to coast and river navigation, had never before been looked upon by the Chinese in any other light than as forming a branch of revenue for the support of the State derived from ships. Since the capture of Nanking, it has gradually become less necessary to divert any portion of the Tonnage Dues from the purposes for which foreigners hold they ought to be set apart, and the termination of the large payments made from the most reliable source of revenue, the Customs, as administered by foreigners, on account of Indemnities to England, France, and the United States, may be said to have completely freed the fund in question from all calls for the supply of deficiencies elsewhere.

These points premised—a coast whose natural disadvantages have been so neutralized by careful surveys as to free it comparatively from dangers, and an exceptional state of affairs imperilling the State and draining its exchequer—I proceed to notice what has been done, and what it is proposed to do, for the convenience of seafaring men, and to facilitate the movements of ships on the rivers and in the harbours.

NEWCHWANG.—In entering this port, the only danger is the bar at the mouth of the river, a danger aggravated, firstly, by the storms which often keep pilots on shore, and, secondly, by the want, of a proper survey. The survey, thanks to Captain Townsend of the U.S. Sloop *Wachussetts*, has now been made, and the question of Lights has been seriously considered. The river is frozen for four or five months every year, and, although shipmasters would like to have a Lightship constantly at the bar, its expensiveness and the dangers and inconvenience the ice would expose it to will probably prove a sufficiently strong objection to its adoption, and a permanent Light on a Beacon, to be erected on the inner end of the spit, will perhaps be found more feasible, if not fully as useful. Buoys have been placed on the bar, and a Lightship (if procurable) will be anchored near it during the trading season of 1867; the necessary measures will be at once taken for the selection of a site and erection of a Beacon for a permanent Light. To the north of the port, at the head of the gulf, shoals and shallows are numerous and dangerous, but it is only the careless or inefficient navigator who is likely to overrun his course so much as to get among them. The proposed Beacon will, for all practical purposes, be a sufficient mark for the port.

TIENTSIN.—The approach to this port cannot be said to be dangerous; the bar off Taku is an inconvenience, and the land lies so low that inward bound vessels must keep a good look-out when seeking the outer anchorage. Various marks have been erected on shore near the forts (visible from the outer anchorage) at the mouth of the river, from which the pilots are enabled to take the bearings necessary for crossing the bar. Buoys have been ordered for the bar; a Lighthouse will be eventually placed on the Sha-luy-teen Banks, the first place sure to be made by any vessel overrunning her course, and a Light will probably be shewn by the north fort.

CHEFOO.—The land about Chefoo is so high, and so well marked, that ordinary care is all that is required to make that port in safety. A little to the south the formation of the land is, however, somewhat like that at Chefoo itself; and, in order to avert the possibility of the recurrence of a mistake, like that which led to the stranding of the *Swatow* and the loss of the *Race Horse*, a Light of the first order has been procured for one of the islands off the harbour.

SHANGHAI.—This, the port most frequented by shipping, is also the one least easy of approach; its difficulties, are, however, of a kind that will always demand a good hand in the chains and attention to both helm and sails. Collisions excepted, steamers

come and go in absolute safety; and for sailing vessels it is the tug-boat that is requisite rather than the Light or the Buoy. The Saddle Islands and Gutzlaff are sufficient guides to the mouth of the Yangtze, to the south, and the high island, known as Sha-wei-shan, to the north, is a very conspicuous object. With Sha-wei-shan in sight and a chart on board, nothing but absolute carelessness would run a vessel on the only rocky dangers in the approach to Shanghai, viz: the *Amherst* and *Ariadne* Rocks. The real difficulty of the approach is to keep in the channel when once in the river. After leaving the Saddles, Gutzlaff, or Sha-wei-shan, a vessel will make the Lightship—a Light that has been kept up for the last ten years—in the vicinity of which a pilot is certain to come on board; from the Lightship, the pilot has no great difficulty in taking the vessel far enough up the river to sight the Beacon, a lofty tower on the shore below Woosung, and the Beacon passed, Woosung is soon sighted. Inside Woosung, there is a bar in the Shanghai (Hwang Poo) River, but on a flag flying at the house of one of the Harbour Master's staff, at Woosung, is always to be seen the number of feet of water on the bar, and at the bar itself, marks have been put up of a kind to enable vessels of the proper draught to pass in safety. At Shanghai, a Harbour Master and a large staff are employed, from the employment of whom has resulted much order and regularity in the anchorage, but whose powers require to be defined, and whose office must be respected and supported in order to, I shall not say, the improvement, but the conservation of the harbour: the filling in at various points to low-water mark, and the construction of wharves and jetties along its banks, have tended much to spoil it as an anchorage for ships, and while increasing temporarily the value of front lots, have sown the seeds which will produce decay there and a rival elsewhere.

A Lighthouse is now about to be built either on the *Ariadne* or on one of the Saddles: a Light will also be placed on Gutzlaff, one on the Beacon, and another at Woosung. These Lights once placed, the navigation will be as easy, so to speak, as would be a walk down the street when the gas is lit.

Before attempting to do anything with the bar inside Woosung, a competent Engineer will be brought from Holland, and on his opinion will depend the measures to be proposed. The suggestions made by some for the removal of that bar would involve an immense expenditure, and the result of the attempt would be problematical. In the absence of the opinion of a man at once scientific and practical, who has made such works his study, my advice to the Chinese is to do nothing rather than to bury sycee in the mud.

CHINKIANG, KIUKIANG AND HANKOW.—Vessels going up the Yangtze have, in ordinary times, but one danger to avoid, and that is the banks on the Lang-shan Crossing. A Lightship has been kept there for the last two or three years. During the summer, when the river rises, some difficulty is experienced in keeping the right channel, and at a few places Beacons might be built with advantage; but generally speaking, the high lands on either bank form sufficient guides for the navigator of this inland river, and the steamers carry excellent pilots.

From the Lang-shan Crossing to Wu-hu (above Nanking) an additional Lightship and eight shore Lights are now being placed; from Wu-hu to Kiukiang, enquiries are now being made as to whether Lights would be useful or not; and from Kiukiang to Hankow, about a dozen Lights are being put up.

NINGPO.—A rock covered at high water, called the Tiger's Tail, is the only danger at the mouth of the river leading to Ningpo. Any miscalculation of the strength of the tide, or any mismanagement of the sails, if working in or out with any but a fair wind, will endanger vessels, be the rock buoyed or not. It has, however, been buoyed, and three Lights have been placed in such a way as to make the approach to the entrance of the river easy in the extreme. In the harbour, the anchoring of ships is attended to by the Tide-surveyor (one of the Customs' employés who performs some of the duties of a Harbour Master); and, at Chin-hae, a couple of Customs' officers are stationed, whose duty it is to keep the passage through the channel from being overcrowded by the Chinese junks that anchor there.

FOOCHOW.—The formation of the land is such that, the White Dogs once made, no difficulty can be experienced in finding the mouth of the river. There is a bar to be crossed, but with the aid of the pilots, who are always on the look out, it is passed in safety and without difficulty. At the Pagoda Anchorage where some dangerous spots are buoyed, the Tidesurveyor, as Harbour Master, attends to the anchoring of ships. It is probable that a Light will be placed on the White Dogs.

AMOY.—The harbour of Amoy, though small, is one of the finest on the coast, but, at the same time, it has many sunken rocks, on all of which Buoys and Beacons have been placed. A Light is kept on one of the seven islands through which vessels pass, when entering or leaving the estuary. In the port, the Tidesurveyor, as Harbour Master, arranges the vessels on arrival, etc. It is proposed

to put a Light on Chapel Island, the sea mark for vessels bound to Amoy: this Light will also be useful to coasting vessels generally, as it will remind them of the proximity of the Meriope shoal.

SWATOW.—The high land around Swatow makes the approach very easy, and the pilots, there settled, know the place so well that accidents need never occur. The anchorage, however, is one in which vessels always suffer severely when typhoons rage. It is proposed to put a Light on Double Island, for the accommodation of steamers entering or leaving by night.

FORMOSA.—The land is high enough to do away with the necessity for Lights that its rocky shores might otherwise exhibit. For the convenience of vessels going into Kelung and Takow, Lights will probably be put up at those places.

CANTON.—No necessity for Lights has ever been known to exist at the mouth of the Pearl River. The inner bars are sufficiently well marked by the Pagodas on the neighbouring hills, and, on the three rocks between Honam and the city, have been placed Lights for the convenience of steamers plying by night. The local authorities are said to have some plan in contemplation for lighting the river; such a plan may have beneficial results as tending indirectly to the suppression of river-piracy, but it cannot be said that it is at all called for by the necessities of navigation. A Light will probably be put up at the Bogue.

Having now gone through the ports, one by one, I proceed to make a few general remarks bearing on the subject.

Knowing the monetary difficulties of the Government, I have never attempted to prevent the authorities from diverting a considerable portion of the Tonnage Dues from such works as harbour improvements and lighting of rivers and coast, to military purposes, believing that temporary pressure alone caused them to avail themselves of that fund once they began to understand the light in which foreigners viewed it; I have frequently had occasion to talk of the matter both at the Tsung-li Yamên, and with the provincial officials, and I have ever found them, not only ready, but very willing to assist in carrying out such suggestions as were made; and, from the manner in which they have received such suggestions in the past, I am quite certain that they will of their own accord, and without pressure, furnish the means for carrying out unobjectionable plans tending to the improvement of navigation along a coast and up rivers, in which they clearly see that, in a few years time, they themselves will be more deeply interested than are

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those who now wish to initiate such improvements. The suppression of the rebellion, the quieting of the seaboard, the payment of the Indemnities, and the authorization at length about to be issued by Imperial Decree (which, hoping against hope, I have for more than five years been labouring to obtain), allowing and *inviting* Chinese to build and own vessels of the foreign kind, both steamers and sailing craft, all combine to render easy of execution what, a few years ago, it would have been almost suicidal to attempt. The Customs' offices are now in such working order that my hands will be comparatively free, and I shall therefore be able to give my attention to several matters, which could not be taken up, although they never escaped my notice, before. Among these may be pointed out, as having special reference to the disposal of the fund created by the payment of Tonnage Dues, the creation of:—

1°. An Engineer Office for advising on all matters connected with the improvement of river and coast navigation, and of harbours, and for the superintendence of all public works undertaken with that view.

2°. A Harbour Master's Office to be represented at the Treaty Ports, superintending the anchoring of ships, the police of the river and the examination and appointment of pilots.

3°. A Coast-Light Office to take charge of the lighting department generally and more especially of about 15 Lighthouses soon to be built on the most necessary points between Niuchuang and Haenan.

The flourishing condition of the treasury at Hongkong and the energy of its official staff will, doubtless, enable the authorities of that colony to put up such Lights as its approaches require: considering that that colony deprives the Chinese Government of a considerable portion of the Tonnage Dues that would otherwise be collected at Canton, it is not too much to expect that Hongkong will do all that is needed for the improvement of navigation in its vicinity, and what may be there done—enlightened as are the views of the colonists on all that affects navigation, and able as are its rulers to command the highest engineering skill—will be a not inappropriate guide to the Chinese Government in determining upon the need for sundry works at various places along the coast.

Amongst the Lighthouses to be first built, I may mention one that is to be put on the Pratas Shoal—the only real danger of the Chinese Seas; when that Light is put up, Foreign Governments will be invited to direct passing ships of war to visit it occasionally to see that the Lightkeepers are safe and well. Further, a Light is

to be placed on either Breaker Point or the Cape of Good Hope, but competent advice will be taken before the site is resolved upon.

The amounts hitherto expended from Tonnage Dues for harbour improvements, etc., have been* small, but it may now be stated with confidence, that the Chinese Government will do its share of the work faithfully and well—it will provide funds and secure the services of first class men, and that the only assistance to be asked for is one which Treaty Powers are by their extraterritorial privileges bound to afford, and that is, to join in the prevention of all acts on the part of foreigners settled at the ports, be they the acts of individuals or of municipal councils, pronounced to be of a hurtful tendency by the Chinese agents, and to recognise and support those agents in the performance of their duties.

During the last five years, my duties have taken me up and down the coast some score of times, and my visits to the ports spoken of have been numerous; what I have written, I have accordingly written as having myself seen the coast, the entrances to ports, and the rivers, and as having myself heard the remarks and suggestions of the commanders of the ships and steamers by which I have travelled.

I am, etc.,

(signed) ROBERT HART,
I.G.

PEKING, 31st *January*, 1867.

Since writing what precedes, I have received official instructions from the Tsung-li Yamên (Board of Foreign Affairs) authorising me to carry out all that this memorandum sets forth. The annual collections under the heading of Tonnage Dues are not likely to exceed Taels 300,000 (£100,000) or to fall below Taels 210,000 (£70,000); in order, therefore, to effect as much as possible with the funds at my command, while employing professional men specially educated for special work, I shall endeavour to incorporate the bulk of those to be employed with the Customs' Establishment rather than to create a new service; the plan, as about to be worked by me,

* *Annually*, during the last five years, about Tls. 45,000: and, for special purposes, during the same period—Lightships, Beacons, Buoys, repairs, etc.,—about Tls. 50,000: the revenue (Tonnage Dues) for the five years has been, say Tls. 1,000,000, and the expenditure, say, Tls. 275,000, or more than $\frac{1}{4}$ th.

will not impair the efficiency of either department, but, by leaguering them together, will cause each to be a support to the other, and will enable me to use the funds that are for the special support of each in such a way as to increase the resources of both.

In the selection of men, I shall follow the principle to which I have adhered during the last six years in the Customs: that is, I shall employ them just as they may be required, without respect to their nationality, provided individual fitness can be secured, and I shall not aim at exact numerical proportion, or attempt to provide a representative of every Treaty Power for every port. The service will continue to be cosmopolitan in its general constitution: guided by the requirements of the work to be done and by the character and capacity of the individual, appointments, promotions and dismissal will be dealt out without respect to nationality. A fair attempt will be made to represent the chief Treaty Powers, but the principal object to be aimed at will be to keep in existence, on a cosmopolitan basis, a thoroughly efficient service, and to carry out faithfully and well for the Chinese Government the works it pays for and approves of. Difficult as is the management of a cosmopolitan service, any attempt to carry out a system of numerical proportion, while exciting ill-feeling, disputes and jealousy, would defeat its own object by the inefficiency in which it would culminate; the fact that the service is open to all is a sufficient guarantee, on the part of an honest administration, for the interests of each.

I am, etc.,

(signed) ROBERT HART,
I.G.

PEKING, 16th March, 1867.

ENCLOSURE (b).
TONNAGE DUES MEMO.

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PRECIS OF PARAGRAPHS.

- A. 1. Public complains of breach of faith and non-appropriation or mis-application of funds.
- 2. Complaints credited, and mixed Commission suggested.
- 3. Complaints unfounded, and Commission impolitic.
- B. 4. Before Treaties, ships paid heavy Port Charges.
- 5. British Treaty of 1842-3 substituted moderate Tonnage Dues: did not stipulate for Lights, etc.
- 6. American and French Treaties made Tonnage Dues still more moderate.
- 7. From 1843 to 1860, Chinese Government, if not providing Lights, etc., was liberal in remitting Tonnage Dues.
- C. 8. The Tientsin Treaties, 1858-60, reduced Tonnage Dues, stipulated for consultation concerning Lights, and for their
- 9. maintenance from Tonnage Dues; but did not pledge China to a single work or to spend fixed sums of money.
- 10. China has never refused consultation, and has tried to give effect to suggestions.
- 11. So far from stipulating for Lights, etc., Tonnage Dues were originally fixed at a moderate rate, with the express understanding that China had done, and was doing nothing, to improve Coast navigation. Sir H. Pottinger intimated this officially to the Chinese Commissioners when negotiating. Subsequently, the Tientsin Treaties stopped short of binding the Chinese Government to do more than it, of itself, should deem called for.
- 12. So much, to show the charge of breach of faith is untenable.
- D. 13. But nevertheless China has done, is doing, and intends to do much for shipping and navigation.
- 14. In 1855, when the want was first felt and understood, the Shanghai officials provided a Lightship and then a Lighthouse, and, from 1855 to 1860, spent thereon, without any dictation, \$90,000. This evinced willingness to act, when the necessity for useful action became understood.
- 15. In 1864, the Central Authority sanctioned the appropriation of one-tenth, and, in 1868, of seven-tenths of Tonnage Dues, for the improvement of Coast navigation. From January 1861 to March 1868, about \$477,000 were expended in this way: the expenditure is now about \$200,000 a year.
- 16. Thus there has been natural growth, and an intelligent, because intelligible, advance.
- E. 17. Objects for which moneys, granted for improvement of Coast navigation, are required in China.
- 18. What the Inspector General had to do, to secure the attainment of those objects.
- 19. How it was proposed to be done.
- 20. What was done: Harbour Masters for Ports; Divisional Inspectors for three sections into which the Coast was divided; Marine Commissioner to superintend; Opinions and Suggestions of experts and seafaring men; selection of Engineers for works.

21. Growth of Fund; beginning of operations; steamers provided by Customs.
 22. Works undertaken since 1868:—Gutzlaff Lighthouse; North Saddle Lighthouse; Sha-wei-shan Lighthouse; Woosung Lighthouse; Niuchuang Lightship; Tung-sha Lightship; Chapel Island Lighthouse; Lights ordered for Double Island, White Dogs, Turnabout, Lamocks, Shantung Promontory; Thirty River Lights for Yangtze; Lang-shan Lightship.
 23. In 1860 there were only a Harbour Master and Lightship at Shanghai; there are now Harbour Masters at 14 ports, 3 Lightships, 6 Coast Lighthouses, 30 River Lights, Buoys and Beacons, and other Lights and Lighthouses ordered or in hand.
 24. Harbour Works:—Dredging expensive, and not absolutely required; a dredger to be provided by and by; harm done by uncontrolled construction of jetties and reclaiming of land.
 - F. 25. Regulation of Pilotage, in connection with attention to shipping requirements.
 26. Changing of original plans, partly because funds did not suffice, and partly to Economise remaining funds: now there are two, and not three Divisional Inspectors, and no Marine Commissioner: what is wanted is more Engineers, and such are now being sought for.
 27. Lightkeepers will be a heavy item of expenditure; foreigners must be employed, not Chinese.
 28. River Police provided for Shanghai and Foochow: called for by foreign communities.
 - G. 29. Statement of sums expended from Tonnage Dues, from 1842 to 1870.
 30. Statement of annual expenditure for Salaries: Estimate for 1872.
 31. Present Programme; Lights finished, in hand, or contemplated.
 32. Three-tenths Tonnage Dues retained for Educational purposes: made up for by Services of Customs' Steamers.
 33. So much having been done, is a Commission called for? could it work more quickly or more economically? would it be politic? why should China not be encouraged to do her own work?
 - H. 34. The principle on which Tonnage Dues are collected is questionable. Suggestion for future revision.
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MEMORANDUM CONCERNING THE APPLICATION OF MONEYS COLLECTED
AS TONNAGE DUES FROM FOREIGN SHIPPING BY
THE CHINESE GOVERNMENT.

A. 1. Public criticism makes two Charges:—

- (a) That China has not kept faith with the Treaty Powers in the matter of Tonnage Dues; and
 - (b) that, in point of fact, when the fraction spent on improvements is compared with the total collection, China does nothing at all for the benefit of foreign shipping: while what is spent is wasted on salaries, rather than devoted to useful works.
2. These charges have been credited without further inquiry, and it has recently been suggested that the Tonnage Dues should be placed under the control of a mixed Commission.
3. The object of this memorandum is to show that public criticism is mistaken in both its allegations, and that the administrative reform suggested is neither called for nor politic.
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- B. 4. At the time at which China first entered into Treaty relations with a foreign power, viz. when the Treaty of Nanking was negotiated on the part of Great Britain by Sir Henry Pottinger in 1842, foreign shipping frequented the port of Canton only. Foreign merchants transacted business with a guild styled Co-Hong, composed of Chinese merchants licensed as monopolists to carry on the foreign trade, and held responsible, after Chinese fashion, for the doings of foreigners generally, and the collection of revenue on their trade. When a ship arrived, her business was put in the hands of the Co-Hong, and, in addition to the duties and fees payable on the *Cargo* there were a number of charges payable by the *ship* which may be grouped together under the name of *Port Charges*. These Port Charges, when last, in 1838, made the subject of an arrangement before the conclusion of a Treaty in 1842, were fixed at \$1,189.50 for rice laden ships, \$1,000 for a Company's ship without rice, and \$700 for each other

British or American ship without rice: part went to the Customs of the port, and part to the Co-Hong; the only return appears to have been that Pilots were provided, in and out.

5. In 1843, Sir Henry Pottinger arranged that these Port Charges should be done away with and a single tax substituted, to be a fixed sum per ton on the registered burden of every vessel, and hence styled *Tonnage Dues*. The Treaty article (General Regulations of Trade appended to Supplementary Treaty, V.) reads thus: "Every English merchantman on entering any one of the above-mentioned five ports, shall pay Tonnage Dues at the rate of Five Mace per Register Ton, in full of all charges. The fees formerly levied on entry and departure, of every description, are henceforth abolished." It is here to be noticed that this stipulation did nothing more than replace heavy Port Charges, which were always unequal and at times uncertain, by fixed and moderate Tonnage Dues, and that the Chinese Government was neither invited, nor pledged to build Lighthouses, erect Beacons or provide any additional facilities for shipping, in return for such Treaty Tonnage Dues.
6. After the English, came the American and then the French Treaties, and in each was repeated, in principle, the Tonnage Dues arrangement made by Sir Henry Pottinger; it again happened that while, on the one hand, these Treaties stipulated for sundry exemptions from Tonnage Dues, neither one nor other made it, in any way, obligatory on China to apply a single cash of the sums paid as Tonnage Dues, to any purpose connected with the interests of foreign shipping.
7. From that time till the ratification of the Tientsin Treaties of 1858 in 1860, the stipulation of the Treaties of 1842 and 1843 ruled in the matter of Tonnage Dues. During this period, if the Chinese Authorities did nothing for the improvement of the navigation of the Coast, they were, at all events, not illiberal in their enforcement of the Tonnage Dues rule, for they not only exempted rice-laden ships, but also vessels arrived in ballast, from whole or half Tonnage Dues, according as they departed without or with cargo. Moreover, while not obliged to appropriate any of the amount collected towards facilitating the

movements of shipping, they nevertheless began to do something in that direction in 1855, when, for the first time, they were shewn in what way facilities could really be afforded: but, on this point, more will be said in another paragraph.

- C. 8. The Treaties of Tientsin reduced the moderate charge, fixed by Sir Henry Pottinger, still lower, and made Tonnage Dues payable at the rate of Four Mace per Register Ton; and it is in them, for the first time, that there is to be found any reference to measures for improving Coast navigation. In one article it was stipulated that "the Consuls and Superintendents of Customs shall consult together regarding the erection of Beacons or Light-houses, and the distribution of Buoys and Lightships, as occasion may demand"—and a rule appended to the Tariff adds—"the maintenance of which shall be provided for out of the Tonnage Dues."
9. Now without meaning to assert that the Chinese Government has no duties to perform in this connection, it may be questioned, in reply to those who thence deduce obligation, whether these stipulations bind the Chinese Government to put up a single Light, or place a single Buoy: they imply that Lights, Buoys, etc., are desirable things wherever really required, but, as far as the Treaty obligation of providing them goes, it would be as fair to say that the article binds the Consuls to find the funds, as to say that it binds the Superintendents of Customs; and, moreover, the tariff rule, which says their *maintenance* is to be provided for *out of* Tonnage Dues, leaves it to be inferred, that while such things are to be provided from some other fund, their *maintenance* is not to demand more than a part of the Tonnage Dues. Arguing from the mere text of the Treaty stipulation, it is questionable to what extent the Chinese Government is pledged to put up Lights or Beacons, or to do more than apply a portion of the Tonnage Dues to their mere maintenance. Had not a cash been expended for either purpose, whether construction or maintenance, there would not necessarily have been any lack of good faith on the part of the Chinese Government.

10. The Treaty stipulation is that " Consuls and Superintendents " of Customs shall consult together." Now allowing that it is for China, as lord of the soil, to erect the Beacons called for, and even admitting that the article, as it stands, may be held to imply an obligation to erect Beacons, etc., it must be proved that a Superintendent of Customs has ever refused to consult with a Consul, before the charge of breach of faith can be substantiated. Not only is it not the case that there has been any refusal, on the part of Superintendents of Customs, to consult with Consuls concerning such things, but, on the contrary, on every occasion on which Consuls have suggested improvements, the Chinese Authorities have sought to give effect to their suggestions.
11. In all that precedes, it is not meant to be asserted that shipping has no interests to be furthered or that Governments are not to blame if they ignore such interests and neglect their requirements; what is intended to be pointed out is, that, if the Chinese Government has not done all the things that the shipping interest would like to have seen done, it has not, when not doing those things, been oblivious of, or faithless to any Treaty stipulation or obligation. When it is asserted that no Treaty stipulation binds China to undertake such works, it may be thought that special pleading is resorted to to deprive the text of the Treaty of the only useful meaning it could be held to possess. But, in point of fact, one may go beyond that assertion, and maintain that, so far from foreign Governments having expected China to apply the Tonnage Dues to the purposes the public now indicates, the framers of the original Treaties, when procuring the abolition of the heavy and uncertain Port Charges, purposely fixed the Tonnage Dues at the low figure of five Mace per Register Ton, with the express understanding that China was not expected to apply such Tonnage Dues to the lighting of the coast or improvement of navigation. That this assertion is correct is clearly shewn by the words of Sir Henry Pottinger himself, who, on the 24th January 1843, when writing to the five merchants who formed the Canton Committee appointed to advise with His Excellency on matters affecting the adjustment of the Tariff and Regulations of Trade, supplied them with an Extract from a Memorandum which His Excellency had himself

laid before the Chinese Imperial Commissioners, I-li-pu and his colleagues on the 21st of that month. In that Extract, the following passage is to be found:—

“ after the tariff and import and export duties, the
“ anchorage or harbour charges are to be settled, and
“ the most simple mode that occurs to me of doing
“ this, is to name a certain sum per ton on the
“ registered burden of every vessel (above a certain
“ size) that may enter the ports. In considering
“ the anchorage and harbour charges, it is to be
“ borne in mind, that the Government of China
“ has hitherto done nothing towards facilitating
“ commercial intercourse by building lighthouses,
“ laying down buoys or moorings, and erecting
“ beacons; and, therefore it necessarily follows, that
“ these charges should be exceedingly light, and
“ equally well defined as the duties.”

What the British Plenipotentiary wanted, and what the American and French Plenipotentiaries who followed him stipulated for, was not the lighting of the Coast, but merely that there should be a Port Due moderate, fixed and in proportion to carrying capacity, instead of a heavy, uncertain and disproportionate charge: and, as a reason for making the charge a moderate one, it was expressly stated to the Chinese Plenipotentiaries, that China had hitherto done nothing for the improvement of navigation, and it was thereby as clearly suggested, that, moderate Tonnage Dues having been substituted for heavy Port Charges, China was not expected to do in the future with Tonnage Dues what she had not done in the past with Port Charges. The Plenipotentiaries who followed in 1858 and 1860 made the charge still lighter, reducing it from Five to Four Mace per ton, and stipulating that coasting vessels—the very vessels to be most benefitted by Coast Lights, etc., and therefore, if Tonnage Dues are to provide Lights, the vessels that ought to be most heavily taxed—should only pay even that reduced amount once every four months; thus the Tientsin Treaties can scarcely be said to have gone farther than their predecessors in stipulating for the improvement of navigation: they at all events stopped short of imposing any obligation on China merely, while on the one hand hinting that such and such expenditure should come out of the Tonnage Dues, on

the other refraining from leading China to suppose that her Governmental functions would have been fulfilled when she should have expended the full amount, collected as Tonnage Dues on foreign shipping, on Chinese Lights and Lighthouses.

12. What precedes will suffice as a reply to the charge of lack of good faith.
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D. 13. It must not, however, be supposed, that the Chinese Government has been, or is, doing nothing for the improvement of navigation. What has been above written is not to defend or support the doing of nothing, but to show, how ill considered in itself has been the allegation of breach of faith. But the fact really is, that, so far from neglecting the interests and requirements of shipping, much has been done, much is being done, and much is intended to be done to facilitate the navigation of Chinese waters.

14. It was in 1855, and when Sir Henry Pottinger's Treaty and his reasons for making Tonnage Dues light were still the guide, that the possibility of doing something for the improvement of Coast navigation was first suggested to the Chinese Authorities. The suggestion was made by the Foreign Inspectors of Customs at Shanghai, and on their representations, both as to the revenue brought to that port by foreign shipping, the difficulty of entering it, and the great increase in Tonnage during the ten years the port had been open, the Provincial Authorities willingly agreed to act on their recommendations; the result was the establishment of a Lightship and Lighthouse, for both construction and maintenance of which the Tonnage Dues provided. On going through the old accounts of the Shanghai Office, it is seen that the sum provided by the Authorities for the Shanghai Lights amounted to almost sixty thousand Taels (£20,000 or \$90,000,) between the 1st June 1855 and the 31st December 1860, when the ratifications of the Treaties of Tientsin were published. This at least evinced a willingness on the part of the Chinese Authorities to do something in the interests of shipping and for the improvement of navigation, when what that something ought to be was pointed out to them.

15. At the end of 1860 the Treaties of Tientsin came into operation, but it was not till the middle of 1864 that the Foreign Inspectorate, on its new basis, had its Offices established at all the Treaty Ports. At the end of that year, the central authority, that is, the Tsung-li Yamên, or Foreign Office, was applied to for, as a commencement, one-tenth of all Tonnage Dues collected, to form a fund for making such improvements as might be required. The application was at once assented to, and from the 1st January 1865 the Offices of Customs at all the Treaty Ports commenced to issue one-tenth of the sums collected as Tonnage Dues quarterly, and continued to do so from that date to the 31st March 1868, when in accordance with a second application then made, the Yamên authorised the appropriation of seven-tenths of the Tonnage Dues for the improvement of navigation. From the 1st January 1865 to the 31st March 1868 the Tonnage Dues' tenth in round numbers amounted to almost 100,000 Taels (£33,000 or \$150,000) and during the most of same period as late as the 30th June 1867, the Shanghai Customs' Authorities, in addition to the tenth issued for the General Fund, continued to support the local establishments (Harbour Master's Department at Shanghai, Lightship on the Tung-sha Bank, Light at Woosung, Kintoan Beacon or Lighthouse, etc.) expending thereon, in addition to the sum given in paragraph 14, from 1st January 1861 to 31st March 1868, nearly 260,000 Haikuan Taels (£86,000 or \$387,000 in round numbers). During the same period there was also expended from General Fund a sum of Haikuan Taels 60,000 (£20,000 or \$90,000) on a Lightship for Niuchuang, a Lighthouse for Chefoo, two Lighthouses for Ningpo, Marks and Buoys for Tientsin, etc.
16. Thus, the appreciation of the propriety of doing something for the improvement of navigation, which began to show itself first when the local officials provided a Lightship for Shanghai in 1855, is to be seen as further grown in 1865, when the Central Government authorised the appropriation of one-tenth of all Tonnage Dues, and, subsequently the authority issued in 1868, to appropriate seven-tenths of the Dues, proved still more fully, that whether free from Treaty obligation or not, the Central Government had made no inconsiderable advance in giving effective support

to works intended to be of utility to shipping. At first, there was an absolute ignorance of any want for such things as Lights, and that ignorance, if ever awakened, was again hushed to slumber by the declaration made in 1843 that the Dues were to be moderate because there were no facilities provided: next there came a local knowledge of something that one port, Shanghai, owed to the foreign shipping by which its revenue was being annually increased: afterwards the Central Government, beginning to have its attention drawn to the point, and with the disappearance of the Taiping rebellion, beginning too, to be at lesser straits for funds, contributed its quota of support in the shape of a tenth: and lastly, there was the consent given by the Central Government to the proposition to expend as much as seven-tenths of the Tonnage Dues on the works in question. This growth, if slow, has been natural and not forced, and as each step in the progress was based on an intelligent reason, it is but fair to state that, in proportion as it has understood its duty in the matter, the Chinese Government has proved its willingness to perform that duty.

E. 17. There are seven or eight distinct sets of objects to which a fund intended for the improvement of navigation, and to facilitate the movement of shipping in the Chinese waters, should be appropriated:

- 1°. Lighthouses, to mark Coast dangers;
- 2°. Lightships, to mark banks where Lighthouses cannot be put up;
- 3°. Buoys and Beacons, to mark channels leading into port, and places to be avoided in rivers and harbours;
- 4°. The removal of wrecks;
- 5°. The conservation of channels;
- 6°. The improvement of approaches by deepening channels;
- 7°. The arrangement of vessels in anchorages, so as to neither endanger each other nor interfere with each other's work in port;

- 8°. The provision of skilled labour in the shape of employés competent to undertake work of each class.
18. What had to be done therefore by the Inspector General of Customs, to whom the administration of the Tonnage Dues' seven-tenths was entrusted, was:—
- 1°. To ascertain what places needed Lighthouses, Lightships, Buoys and Beacons;
 - 2°. To ascertain how channels could be best conserved and improved, and how obstructions might not be removed from one spot without injuring others;
 - 3°. To provide Harbour Masters for such ports as actually required them; and
 - 4°. To find and bring to China the right sort of employés for works of so important a kind.
19. The best way to ascertain the spots that required Lights and Beacons was to collect the opinions of seafaring men well acquainted with the coast; the best way to act safely in the matter of conserving and improving channels was to obtain the services of an expert, and be guided by his advice; and in the matter of providing Harbour Masters and a Marine Staff, the actual requirements of each open port would naturally indicate the steps to be taken.
20. What was actually done, when the Yamên authorised the application of seven-tenths in 1868, was this:—
- 1°. The condition, prospects and requirements of each Treaty Port, from a Shipping Interest point of view, were closely scrutinised, and, as it was thence evident that, although there were Harbour Masters' duties to be performed at all, Shanghai alone stood in need of a special staff to form a Harbour Masters' Department,—and such a staff had in fact already existed there for some years,—it was determined to call upon the Customs' Tidesurveyors (who, at the sea-ports are seafaring men, for the most part holding Masters' Certificates) to perform Harbour Masters' duties, so as to have Harbour work generally attended to without any special withdrawal of funds from the Tonnage Dues.

- 2°. To ensure the satisfactory discharge of their Harbour duties by Tidesurveyors acting as Harbour Masters, and to utilise them to the fullest extent, the Coast was divided into three sections, and three competent Divisional Inspectors were appointed. To the Central section Captain Hockley (English), then Harbour Master at Shanghai, was appointed as Harbour Master for Shanghai and Divisional Inspector; to the Southern section, Captain Bisbee (American) was appointed as Harbour Master for Foochow and Divisional Inspector; and to the Northern section, Captain Viguier (French) was appointed as Harbour Master for Chefoo and Divisional Inspector. These Inspectors were to have charge of all the ports in their respective sections, and were to move about and superintend marine work generally.
- 3°. An officer well acquainted with the Coast of China, and who had been making a special study of Lights and kindred subjects from a practical side, Captain Forbes, was appointed Marine Commissioner with entire charge, under the Inspector General, of the works referred to in paragraph 16.
- 4°. The opinions of the masters of steamers and vessels trading regularly on the Coast, as to the requirements of the Coast in respect of Lights, etc., were collected; the Harbour Masters were directed to examine, each into the condition of his port, and prepare statements for the Divisional Inspectors; the Divisional Inspectors were instructed to visit the port and report on the statements of the Harbour Masters; the suggestions of shipmasters, the statements of Harbour Masters, and the reports of Divisional Inspectors were sent on to the Marine Commissioner (then in England) who thereon consulted with Admirals Kellett and Collinson, —the officers who originally surveyed the Coast of China and prepared the charts now in use, than whose opinions none worthier of acceptance could be possibly found,—and then determined

the localities in which Lighthouses, Lightships, Buoys and Beacons seemed likely to be of most use.

- 5°. The Marine Commissioner at the same time made full enquiry and procured every possible information relative to Lanterns, Towers, etc., etc., etc.; after a long search, he selected Mr. D. Henderson, C.E., for employment as Lighthouse Engineer, and Mr. R. Massy Greene, C.E., as Harbour Engineer: both of them gentlemen well known in their profession, one in connection with Lights and the other with Docks. In China, the Inspector General also employed Mr. Lescasse (French) who was highly recommended, as an additional Lighthouse Engineer.
21. During all this time, from the beginning of 1868 till the autumn of 1869, the Tonnage Dues' Fund was growing, and, the Harbour Masters and Divisional Inspectors having got into working order and the Engineers having arrived, it seemed that the works might be commenced. The Marine Commissioner was then summoned to China, having completed his enquiries and arrangements in Europe, and having besides built three steamers: these steamers, built and supported from Customs' funds, and intended mainly for duty as Revenue Cruisers, were also provided to act as Light-tenders, and to assist in the construction of Lights, etc., by the transport of workmen and stores, and in their maintenance and protection by carrying Lightkeepers, etc., backwards and forwards, and visiting them from time to time.
22. The Marine Commissioner then went to the localities previously decided on, and selected sites for Lighthouses, and, in consultation with him, the Inspector General arranged the order in which the works should be undertaken. Mr. Henderson then took in hand the Lighthouses placed on Gutzlaff Island and North Saddle Island, both in the Shanghai district; Mr. Lescasse was sent to commence the Lighthouse on Chapel Island, near Amoy; Mr. Greene was directed to report on the condition of the Shanghai, Foochow and Swatow Harbours and their approaches, with a view to placing Buoys and Beacons and undertaking any works that might be deemed necessary or

feasible for the conservation or improvement of channels and approaches. The Gutzlaff Light was first shewn on the 1st November, 1869, and the Saddle Island Light followed on the 1st November, 1870: each has proved a complete success, reflecting the highest credit on the Engineer, Mr. Henderson, and calling forth encomiums from seafaring men of all classes; Mr. Henderson then went on to the Lighthouse for Sha-wei-shan also in the Shanghai district, and is now occupied on its construction, and the replacing of Woosung Light. In accordance with Mr. Henderson's specifications, two new Light Vessels, supplied with first class Lights and Fog Horns, have been expressly built for the Tung-sha Bank, Shanghai, and the entrance to Niuchuang, and Lanterns for some dozen Lights, next to go up, have also been ordered from first class makers. Mr. Lescasse, after spending some months on the Chapel Island Light, threw up his appointment, thereby causing great inconvenience: it was then necessary to send Mr. Greene to take it in hand, but, unfortunately, his father's death has since made it necessary for him to leave China, and if the Southern Inspector, Captain Bisbee, cannot unassisted proceed with the work, it must be abandoned till another Engineer can be procured. The Chapel Island Light finished, the Engineer will place a Light on either Double Island, Swatow, or Saracen's Head, Takow, another on the White Dogs, off Foochow, one on Turnabout, and another on the Lamocks, off Swatow, and Mr. Henderson, when he shall have finished Sha-wei-shan, will place a Light on the Shantung Promontory. The Engineers will then in company visit Sha-lin-tien, off Taku, and decide on a somewhat difficult question, the kind of tower best suited to carry the Light there. Under the superintendence of the Commissioners of Customs at Chinkiang, Kiukiang, and Hankow, some thirty river Lights have been put up at places along the Yangtze, and there is a Lightship on the Langshan Crossing. Such in general language, have been the doings of the Chinese Authorities in the interests of navigation.

23. In 1860 there were a Harbour Master and staff at Shanghai, and a Lightship in the Shanghai district. There are now officers performing Harbour Master's work at fourteen Treaty Ports: there are three Lightships, six Coast Lights, thirty river Lights, and Buoys and Beacons have besides

been placed in almost every port. There are moreover two Lighthouses in course of construction, and Lanterns for several other Lights are either at Shanghai or on their way from Europe.

24. While the lighting of the Coast was being thus attended to, it was found that the works contemplated in respect of the conservation or improvement of channels were either for the moment unnecessary, or of a kind that Tonnage Dues would be wholly inadequate to meet. The dredging of the bars at Taku and Woosung have been much talked about, but it would be useless to attempt either without a proper supply of dredgers: and dredging machines of a powerful kind, with their attendant barges, etc., could not be laid down at each place for a smaller sum than at least one year's Tonnage Dues. On the other hand, observation proves that the bars have been deepening instead of shoaling, and the shipping statistics of each place show that a very small percentage of the vessels trading have to lighten to cross the bars; the accidents, too, do not occur on the bars, but when vessels get out of the proper channels; such being the case, the necessity for extensive and expensive dredging operations is not of so pressing a kind as to demand an attention and outlay that would cripple all other more useful and more urgently required, but less costly and more feasible works. What is purposed to be done in this connection, when funds allow of it, is to get out one powerful steam dredger, drawing nine feet and able to excavate to a depth of 25 feet; such a vessel can move about among the ports and by occasional bits of work prevent banks from forming, or loosen bottoms for tides to wash away. Such a dredger would cost a considerable sum, and the work would have to be gone about cautiously, lest deepening at one point should lead to shoaling at some other. At Shanghai, where the chief demand for dredging operations has been, the shoaling in the harbour, it is stated, has been chiefly caused by the uncontrolled doing of owners of front lots, who reclaimed land and erected wharves and jetties opposite their lots without the slightest care as to whether other parts of the harbour might not thereby be injured. This building of jetties, etc., is now to a certain extent controlled by the Harbour Master, but the mischief was done when his authority met with but little support, and,

as the idea still is, that, what a foreign Consul will permit, the native authorities must not presume to oppose, any further reform must come from another quarter.

F. 25. During the last few years, the Pilots have been placed under the Harbour Masters, and while these officers do not interfere with the Consular control in extraterritorial matters, their supervision is of a useful kind, and one point secured, and that the main one, that Certificates or Licenses to pilot are only given to men whose competency and character can be relied on. This work is, however, not without its difficulties, for it has more than once happened that Merchant Consuls, with ships to their own consignment, have shewn a disposition to suggest to Pilots, that, with their countenance, and working for them, they might disregard the Harbour Master's attempts to control their movements or operations. With the foreigner, the rule is that the official—especially a Chinese official—is fair game, and the attempt is ever made to cast ridicule on him, rather than support his authority, even when exercising it for useful purposes.

26. No sooner had work actually begun in 1868, than it became evident that the Tonnage Dues seven-tenths would not support operations on the comparatively extensive scale on which it was hoped to carry them on. Material, transport and labour proved, one and all, to call for a greater outlay than had been anticipated, and, on the other hand, the collection of Tonnage Dues began to decrease, for while coasters traded under four months' Exemption Certificates, the opening of the Suez Canal tended to substitute a few steamers for many foreign-going ships. The Tonnage Dues do not amount now to more than 200,000 taels annually, and 140,000 taels a year (\$210,000) is therefore the sum to be calculated on for the maintenance of works completed, the completion of works already begun, and the execution of such other works as are on the programme for the next eight or ten years. In 1868, the central Divisional Inspector, Captain Hockley, died, and, as it had become evident that three such Inspectors would be unnecessary, the vacancy was never filled up: Captain Viguier was transferred from Chefoo to Shanghai, and the northern and central sections grouped together as one northern section; Captain Bisbee remains in charge of

the southern section. At the end of 1870, Captain Forbes resigned his appointment; he originally came out to stay in China but a short time, and, as the work for which his assistance was chiefly required had been started, his appointment has not been filled up, and the duties he performed are now divided between Commissioners at the ports, Divisional Inspectors and Engineers, under the superintendence of the Inspector General. It ought to be here stated that Captain Forbes was never paid from the Tonnage Dues, his salary was always issued from the Customs' Fund. In fact it has been the practice of the Department to make the Customs' Fund lighten the burden of the Tonnage Dues seven-tenths in every possible way.

27. It was originally intended, in order to keep down expenditure, to call on Customs' Tidewaiters to do duty, in rotation, as Lightkeepers. Experience has, however, shewn, that that plan would not work well, and it has been decided, instead, to have a regular set of men employed specially as Lightkeepers, and, for this purpose, a few trained men have, in the first instance, been brought from Europe, who had either learnt work in Light-makers' establishments, or served on board Lightships or in Lighthouses. Men engaged in China serve under these, and learn the management and cleaning of the somewhat complicated pieces of mechanism that have been simply styled Lanterns. Three foreign Lightkeepers are appointed to each Light, but it is hoped that two will eventually suffice. Chinese cannot be relied on to keep the Lights lit or the Lamps in order, and, this being the case, the salaries that must be paid, to procure foreign Lightkeepers, will be a heavy item in the expenditure. (A glance at the printed forms of instructions to Light-keepers, etc., will show how thoroughly and how carefully this work has been gone into. Vide enclosures in Circular No. 23, 1870).
28. Complaints were constantly being made by the mercantile communities,—at Shanghai, concerning pilfering in Cargo boats, and at Foochow concerning disturbances at the Pagoda Anchorage,—and a River Police, composed of foreign and native Constables, has been established at each place. The Foochow Police is highly praised and is considered to be doing excellent service. At Shanghai, the experiment has not, in truth, been quite so successful: the existence of two sets of Municipal Police on shore,

and the ideas that prevail respecting so-called Concession rights, as well on the waters in front as on the grounds leased, combine to make the working of a River Police under a Chinese official, the Harbour Master, of a less satisfactory kind than was hoped for. Still, the mercantile complaints which were very loud before, have completely died out since the establishment of the force, and the complaint now is on the part of those responsible for the expenditure—they regret to see so much money expended for so small a result.

G. 29. A statement will now be given of the Tonnage Dues applied to the improvement of navigation. It divides itself naturally into four periods:—

- 1°. From 1842 till 1860: up to which time the Treaties said nothing about Lights.
- 2°. From 1860 till 1865: when the Central Government authorised one-tenth of the Tonnage Dues.
- 3°. From 1865 till 1868: when the Central Government authorised seven-tenths.
- 4°. From 1868 till 1870: with which this Memorandum ends.

GENERAL STATEMENT of sums expended from Tonnage Dues for improvement of Coast Navigation: including payments for Plants, Labour and Wages.

First period: 1842 (1855) to 1860: Shanghai Expenditure, \$44,851.79 and *H.K.Tls.* 13,603.3.4.0 (or, in round numbers £20,000 = \$90,000.)

Second period: 1860 to 1865: Shanghai Expenditure, *H.K.Tls.* 155,924.3.2.0 (or, in round numbers £52,000 = \$234,000.)

Third period: 1865 to 1868:

	<i>H.K.Tls.</i>
Shanghai Expenditure	127,014.1.5.8
Ningpo	6,405.7.4.1
Tientsin	2,661.7.7.8
Chefoo	15,315.3.2.7
Niuchuang	7,884.3.1.7
Amoy	1,419.1.5.3
	160,700.4.7.4 (or, in round numbers £53,600 = \$251,000)

* Carolus Dollars.

Fourth period: 1868 to 1870:

	<i>H.K.Tls.</i>
Shanghai Expenditure	259,848.2.4.5
Ningpo	12,960.0.2.0
Foochow	14,051.7.2.3
Tamsuy	1,075.2.4.7
Takow	368.1.2.0
Amoy	7,829.7.8.8
Swatow	1,208.3.1.0
Canton	3,308.8.8.0
Chinkiang	3,010.8.3.8
Kiukiang	2,167.7.3.0
Hankow	722.0.3.3
Chefoo	8,942.6.6.0
Tientsin	5,465.7.5.0
Niuchuang	16,448.6.0.9

337,407.9.5.3 (or, in round numbers £112,000 = \$500,000)

Additional Expenditure: Plant ordered during 1869 and 1870 for Department, paid for from General Fund, and not appearing in preceding statement of Expenditure.

Lights:—

		£
Sha-wei-shan	{ Iron Tower . . .	900
	{ 1st order Light	2,856
Shan-Tung	„ „	2,856
White Dog	„ „	3,258
Turnabout	„ „	2,856
Chapel Island	„ „	3,258
Lamocks	„ „	2,856
Woosung	4th order „	350
Square Island	„ „	} 650
Tiger	„ 6th order „	
Niuchuang	4th order „	1,000 (ship)
Tung Sha	„ „	1,000 („)
Lang Shan	6th order „	125 („)
Yang-tsze (10)	„ „	200
„ (4)	„ „	370
Volcano	5th order „	350

Lightship:—

Tung Sha	10,000
Niuchuang	10,000

Buoys:—	£	
Foochow	}	500
Swatow		
		£43,385 (= \$216,000)

Total Expenditure:—	£		\$
First period, 18 years	20,000	or	90,000
Second „ 5 „	52,000	„	234,000
Third „ 3 „	53,600	„	251,000
Fourth „ 3 „	{ 112,000	„	500,000
(Additional Expenditure 1870)...			
	43,385	„	216,000
	£280,985	or	\$1,291,000

30. Having in the preceding paragraph given a general statement of the amounts expended, to the end of 1870, for the benefit of foreign shipping along the Coast of China, a list will now be added of the officers paid from the Tonnage Dues, so that it may be seen what amount is actually expended on Salaries:—

Statement of Salaries and Wages, payable from the Tonnage Dues' seven-tenths to employés connected with Coast Lights, Harbour works, etc., etc., etc.

Estimate for 1872.

1. NIUCHUANG.

Lightship:		<i>H.K.Tls.</i>
Captain	monthly pay	100
Chief Officer	„	50
Mechanic in charge of Revolving } Light and Fog Horn	„	50
Chinese Crew	„	100
		— 300

2. TIENTSIN.

		<i>H.K.Tls.</i>
Signal man at Taku	„	50
Berthing Officer, Tsze-Chuh-Lin	„	15*
Chinese Boatmen	„	40
		— 105

* An employé of the Municipal Council who draws pay from it for other work.

3. CHEFOO.

Lighthouse:	<i>H.K.Tls.</i>	
Chief Lightkeeper.....monthly pay	75	
Assistant „.....„	40	
Chinese Coolies, etc.„	25	
	—	140

4. YANGTSE.

River Lights:	<i>H.K.Tls.</i>	
Hankow: Chinese Lightkeepers ..monthly pay	50	
Kiukiang: „.....„	50	
Chinkiang: „.....„	75	
	—	175

5. SHANGHAI.

A. Harbour Staff:	<i>H.K.Tls.</i>	
Harbour Master .....monthly pay	300*	
Assistant.....„	150	
Clerk.....„	150	
Boarding Officer„	100	
„.....„	80	
Signalman„	30	
„.....„	30	
River Police (4)„	130	
Chinese Boatmen, Police, etc.„	375	
	—	1,345
B. Lightships:		
Tung-sha Lightship, Captain„	100	
Chief Officer.. „	75	
Mechanic „	50	
Chinese Crew. „	90	
	—	315
Lang-shan Lightship, Captain„	75	
Chief Officer. „	50	
Relieving Officer „	50	
Chinese Crew „	50	
	—	225
C. Lighthouses:		
North Saddle, Chief Keeper„	75	
Assist. „.....„	40	
„.....„	30	
Chinese Boatmen ... „	30	
	—	175

* Divisional Inspector, Northern Section.

CHINESE CUSTOMS SERVICE:

	<i>H.K.Tls.</i>
Sha-wei-shan, Chief Keepermonthly pay	75
Assist. „ „	40
„ „ „	30
Chinese Boatmen, etc. „	30
	— 175
Gutzlaff, Chief Keeper „	50
Assist. „ „	40
„ „ „	30
Chinese Boatmen, etc. „	30
	— 150
Kiutoan, Chief Keeper „	50
Assist. „ „	30
Chinese Boatmen, etc. „	20
	— 100
Woosung, Chief Keeper „	60
Chinese Boatmen, etc. „	12
	— 72
Light Tender, Lorcha <i>Relief</i> , Captain „	60
Chinese Crew „	65
	— 125
	<i>Tls. 2,682</i>

6. NINGPO.

Lighthouses:	<i>H.K.Tls.</i>
Square Island, Chief Keeper,monthly pay	25
Chinese Boatmen „	15
Tiger Island, Chief Keeper „	20
Chinese Boatmen „	15
Western Volcano, Chief Keeper „	50
Assist. „ „	30
Chinese „	30
Light Tender, Chinese Crew „	20
	— 205

7. FOOCHOW.

Harbour Staff:	<i>H.K.Tls.</i>
Harbour Master and Divis. Insp. .monthly pay	300*
River Police „	100
Chinese Boatmen „	25

* Southern Section.

Lighthouse:	<i>H.K.Tls.</i>
White Dogs, Chief Keepermonthly pay	50
Assist. „ „	30
Chinese „	30
	— 535

8. AMOY.

Harbour Staff:	<i>H.K.Tls.</i>
Berthing Officer & Chinese Boatmen, monthly pay	40

Lighthouse:	
Chapel Island, Chief Keeper „	75
Assist. „ „	40
„ „ „	30
Chinese „	30
Chih-seu Light, Chief Keeper „	50
Assist. „ „	30
Chinese „	20
Light Tender, Chinese Crew „	30
	— 345

9. STAFF.

	<i>H.K.Tls.</i>
Chief Coast Lights' Engineermonthly pay	375
Second „ „ „	300
Third „ „ „	200
Clerks of the works, 3 „	200
	— 1,075

Recapitulation:—

Northern Section:—	<i>H.K.Tls.</i>
Niuchuangmonthly	300
Tientsin „	105
Chefoo „	140
Yangtsze Ports. „	175
Shanghai „	2,682
Ningpo „	205
	— 3,607

Southern Section:—	
Foochow. „	535
Amoy „	345
	— 880
Staff „	1,075
	— 1,075

Total Salaries, etc., monthly	<i>H.K.Tls.</i>	5,562
Multiplying by 12, annually	„	66,744 (or \$100,000)

(N.B.—The above statement, although marked Estimate for 1872, may be taken as a fair explanation of the sums paid away monthly in the shape of salaries and wages since the beginning of 1869. The expenditure for salaries increases as works (Lighthouses, e.g.) are finished; and in proportion as salaries (and maintenance expenses) increase, so will the balance available for construction of new works be diminished.)

It must be evident from what precedes that the staff could not be reduced except at the cost of efficiency, that the rate of pay is moderate, and that the expenditure for salaries is as low as the work to be done can possibly admit of, taking it into account that the salaries are paid to induce skilled Europeans to live and work in China.

31. The places at which, according to the original programme, Lights were intended to be placed, and the condition of the works at this date, are as follows:—

Woosung	In hand.	Lighthouse.
Kiu-toan	Finished.	"
Tung-sha	"	Lightship.
Saddle Island	"	Lighthouse.
Gutzlaff	"	"
Sha-wei-shan	In hand.	"
Lang Shang	Finished.	Lightship.
Tiger Island	"	Lighthouse.
Square Island	"	"
Chefoo	"	"
Sha-lui-tien	In hand.	Light ordered.
Niuchuang	Finished.	Lightship.
Chapel Island	In hand.	Lighthouse.
Chih Seu, Amoy	"	Light ordered.
Turnabout	"	"
Shantung Promontory ..	"	"
Lamocks	In hand.	Light ordered.
	Plans and Specifications prepared.	
Formosa, Saracen's Head	A Light in hand for this or the Western Volcano.	
Formosa, N.W. Point	}	1873.
Breaker Point		
Pedro Banco		
Pescadores		

Sisters	}	1874.
Gap		
Haitan	}	1875.
Heishan		
Ockseu		
St. John's	}	1876.
Teng Chow Foo		
Pratas		
Amherst	}	

The smallness of the fund and, the sites for Lights being far from the main land, the difficulties of transport and other obstacles, make work of this kind very slow. It does not seem probable that the Lights for the localities above set forth can go up at the rate of more than two or three a year. It will therefore be some eight or ten years—supposing circumstances to remain as they are at present—before the programme can be completed, and before Lights can be placed on the outer dangers of the China Seas. Possibly, more funds may be obtainable, and as, of course, increase in funds means increased power of work, these Lights may yet be finished at an earlier date than 1880.

32. In respect of the three-tenths of the Tonnage Dues not paid to the Inspector General for Coast Lights, etc., it is to be remarked that that money goes to the Tsung-li Yamên, and is, amongst other things, employed for the support of the college at Peking known as the T'ung-wên-kuan. When it is remembered that this amount is only some 60,000 taels a year, and that the Light service has the use of four Revenue Cruisers which originally cost 200,000 taels and are supported at an annual expense of over 70,000 taels it will be understood that a, to some extent fair, set off is provided: even supposing the Government to be bound by Treaty, which as we have seen, is not by any means the case, to devote the Tonnage Dues entirely to works for the improvement of navigation.
33. From what precedes, it will be evident that the Chinese Government has already done something considerable for the improvement of navigation, and that present arrangements provide for carrying on the work. The foreigner's demand to control the expenditure of moneys accruing on his trade to the Revenue of China will not require to be combatted to appear monstrous in the eyes of men at

home: nor does it require to be explained to be intelligible to men in China. But fancy a parallel case, with any other Powers concerned! When a Committee is talked of for the management of the Tonnage Dues, not only is the proposition to be objected to on the grounds just hinted at, but it may be asserted, 1°, that the Committee would work neither more quickly nor more economically; 2°, that it would not have at its command the assistance which the Customs' Department now furnishes; 3°, that it is not only uncalled for while China is doing the work with her own agents, but would have the effect of weakening and harming China, when it did, for her, work she ought to be encouraged to do herself; and 4°, that, if it originates in a spirit of interference and desire to dictate, China would make a mistake in assenting to it.

H. 34. One other remark and this Memorandum ends. The Treaty stipulations respecting Tonnage Dues provide, 1°, that all vessels (over 150 tons) shall pay Four Mace a ton, and 2°, that Coasting vessels shall only pay once in the four months. Now it must be apparent that Coasters will be most benefited by Lights and coast improvements generally, and that it is to them, rather than to occasional traders, that the Chinese ought to look for a large revenue. Hence a question suggests itself as to whether negotiators have adopted a right principle in the arrangement of Tonnage Dues. Considering that China is now spending considerable sums annually on important works for the improvement of navigation, and to provide for ships those facilities the absence of which led the first negotiator, Sir Henry Pottinger, to fix very low Tonnage Dues, it may be worth while to bear the point in mind, so that at any future revision a more equitable regulation may be introduced.

I am, etc.,

(signed) ROBERT HART,
I.G.

PEKING, 21st March, 1871.

CIRCULAR No. 26 OF 1870 (FIRST SERIES).

Retiring Allowances, Retention in Service, rules regarding.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st *December*, 1870.

SIR,

1.—To prevent further misunderstandings, there are two points on which it is necessary again to remark: Retiring Allowances, and Retention in the Service.

2.—*Retiring Allowances.*—The position of foreign employés is this, that if an employé of the rank of Commissioner, Deputy Commissioner, Assistant or Tidesurveyor is forced by ill health to resign his appointment and leave China, his services not having been in other respects of so unsatisfactory a kind as to lead to his discharge or dismissal, he will be entitled to an Allowance amounting to Six months' pay for Five years service, One year's pay for Ten years service and Two years' pay for Twenty years service. When an employé is to be discharged, the cause of the discharge being other than the state of his health, he is entitled to Three months notice or Three months pay. The rule concerning the issue of Retiring Allowances to the Out-door Staff generally contained in Circular No. 14 of the 19th September, 1867, was rescinded by Circular No. 25 of 1869.

3.—*Retention in the Service.*—It is to be borne in mind that, however secure the Customs may be considered as a Service, and however assured may be the tenure of position once a name is put on the List, there is no security of employment for incompetent, and no certain tenure of position for useless hands. The 19th paragraph of Circular No. 8 of 1864 is still in force, and under it the Inspector General can dispense with the services of any employé when expedient or requisite: the individual to be discharged being simply entitled to Three months notice or Three months pay. The statistics of fifteen or sixteen years, from the time the Foreign Inspectorate was first established in Shanghai in 1854 to the end of 1870, the date of this Circular, show that on the In-door Staff there have been in all 181 names: of these, 81 have been removed, and 100 remain. Of the 81 removed from the list, 7 died, 53 resigned, 7 were dismissed for incompetency, 5 for intemperance, 4 for misconduct, 1 for engaging in trade and 1 for receiving bribes and there were 3 discharged whose services were no longer required. I refer to those statistics to show that the employment is to all intents and purposes a certainty as far as the action of the employers is concerned, and that the tenure or loss of position depends chiefly on the employés: an efficient and well conducted employé is never

dismissed, and never fails to get on. In the face of these statistics, it will be asked why the matter is referred to at all. The reason is this, that some employés who have barely earned their pay, and who have not been advanced so rapidly as others who have shown themselves possessed of real ability and intelligence, have displayed a tendency "to take things easily" as it is styled, supposing that length of service will be accepted as an excuse for increasing shortcomings and that their position as "old hands" are too secure to be unsettled. I think it is well that those referred to should wake up a little and see things from another point of view: length of service is no excuse for shortcomings, it is on the contrary an aggravation, and the right way for the indifferent senior to reason will be that, the longer he serves, the more ought he to exert himself to do his work better, and the more careful ought he to be, now that he has served so many years lest he should jeopardise the fruit of long service. The return for satisfactory performance of duties is continued employment, with such advancement as vacancies permit and ability justifies; but where employment has been long continued, it is rather the long employed who is to be grateful for such length of employment, than the employer who is placed under obligation by length of service. Employés are easily found any day and everywhere; employers are not quite as easily met with. I do not wish to unsettle anyone's mind or weaken anyone's position: what I do desire to effect is to spare the Commissioners the disagreeable task of reporting an inefficiency, and myself the still more painful duty of discharging those reported and to lead men themselves to make their positions secure by increased efficiency, painstaking industry, and continued good conduct. The statistics show that the members of the Service have nothing to fear from the action of the Inspector General, so long as they are worthy of employment; but it must not be thought that, because the Customs is a Government Department, once in it is to be always in it irrespective of conduct or efficiency, or that by entering it a man secures for himself a kind of recognition that frees him from those tests and those calls which any Banker or Merchant would require to see satisfied in his business establishment. The Commissioner is the immediate chief in each Office, and, while anyone reported by him for misconduct is entitled to have the matter enquired into and dealt with accordingly, anyone whom a Commissioner reports to the Inspector General as inefficient or incompetent will be at once discharged.

I am, etc.,

(signed) · ROBERT HART,
I.G.

CIRCULAR No. 27 OF 1870 (FIRST SERIES).

“Burlingame” * and other Missions, Guarantee Fund,
explanations regarding.INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st December, 1870.

SIR,

1.—The return to China of what the public has designated “the Burlingame Mission,” affords an opportunity of correcting some mistaken impressions, which, in whatever way they originated, have been not only in circulation among the public, but accepted and commented on as facts by many members, some of them seniors, of the Customs’ Service.

2.—In the public prints it has been asserted that “the Mission” was supported from the Tonnage Dues, and occasion was then taken to comment on the misapplication of public moneys; the same papers have again asserted that *the Customs’ Guarantee Fund* has been made over to the Mission, and official malversation was then imputed. When visiting the ports, I explained how erroneous such assertions were, and now, for various reasons, I think it well to place the explanation on record.

3.—In 1859 the then Inspector General, Mr. H. N. Lay, obtained from the Taotai of Shanghai a sum of One hundred and twenty thousand Taels for the purchase of steamers for the use of the Shanghai Customs. Before any further step was taken, the British were beaten off by the Taku forts, and, in the meantime some ten or twelve young men, selected by Mr. Fitz-Roy in England, arrived in China to take up appointments in the Customs. The money that had previously been intended for steamers was deposited in the Bank as a Guarantee against any claims the new comers might make in the event of the failure of the proposed Customs’ establishment. Possibly the Inspector General may at that time, when men were naturally anxious about their future, have spoken of the money, thus held, as a Guarantee Fund. In 1861, when

* This embassy—which owed its origin mainly to the initiative of Hart—was the first embassy sent by China to foreign states. Mr. Anson Burlingame, a former U.S.A. Minister to China, was appointed High Minister Extraordinary and Plenipotentiary and Mr. J. McLeavy Brown, later of the Customs Service, First Secretary. Its purpose was to persuade the Powers to renounce the policy of coercion, and to allow China to work out her own salvation. The Mission left China in February 1868 and returned in October 1870, after having visited the United States of America, Great Britain, France, Sweden, Denmark, Holland, Germany, Russia, Belgium, and Italy. Mr. Burlingame died at St. Petersburg in February 1870. (For detailed account of this Mission, *vide* F. W. Williams: “Anson Burlingame and the First Chinese Mission to Foreign Powers,” New York, 1912.)

Mr. Lay was going to England on leave, he placed the money at interest in the Oriental Bank Corporation, Shanghai, where it remained till his return in May 1863, when, with interest, it amounted to One hundred and thirty-two thousand Taels. A few months later, when arranging matters on leaving the Chinese Service, Mr. Lay described this amount to the Yamên as money to be returned at once to the Government, and one of the first payments made by me, after I became Inspector General in 1863, was the surrender of the sum in question to the Governor General of the Two Kiang, in accordance with the instructions issued by the Yamên on the suggestion of the ex-Inspector General. Thus, what has been styled a "Guarantee Fund" was a sum of money issued by the Chinese Authorities for another purpose, and at Mr. Lay's departure it was reclaimed by and reverted to them, so that, on taking over the duties of Inspector General, there was nothing but the Customs' Allowance (subsequently increased from 700,200 to 748,200 Taels a year) for the support of the Service.

4.—From 1863 to 1869, after the payment of Salaries, Office Expenses, Rent, Retiring Allowances, and after the building and purchase of Houses, there remained a sum of about Two hundred and fifty thousand Taels, as money saved from the "Customs' Allowance for Collection." But the Allowance was moreover originally intended to cover the establishment and support of a Preventive Department in the Service, and, accordingly, something over Two hundred thousand Taels was then expended in procuring Revenue Steamers from Europe, and while the greater part of what had previously been saved out of the annual Allowance was required for the purchase of those Steamers, much of the money that, under other circumstances, would have continued to be saved annually, has now to be spent for their support. As yet, the only thing attempted in the Preventive Department has been to train Chinese crews to steamer life, and accustom the various people on board to work together; in a short time more active work is likely to be demanded of them, and as soon as the Revenue collected amounts to Ten Millions of Taels a year, the Customs' Allowance is to be increased, so as to support a respectable Preventive Department, and provide for Retiring Allowances according to a more liberal scale; if required, a special grant for the purchase of the Steamers is promised.

5.—Prior to "the Burlingame Mission," you will remember that the Expectant Taotai Pin Ch'un, a supernumerary Chief Secretary in the Foreign Board, accompanied by three Student Interpreters from the Tung Wên Kuan and another expectant official, visited several European Capitals with Mr. Bowra and

Mr. Dechamps of our Service. Pin Ch'un was specially selected by Prince Kung for the duty in question, and that, too, without any suggestion as to the individual or nomination on my part. The expenses of that official trip,—Pin Ch'un and his companions having been appointed by Imperial Edict to visit the Treaty Power Capitals,—amounting to Taels 24,948.8.0.0, were advanced, as a matter of convenience, from the Customs' Allowance, and repaid to that fund, on the return of the party, from other government moneys, in accordance with a Special Imperial Decree.

6.—“The Burlingame Mission” has not drawn a cent from either Customs' Allowance or Tonnage Dues. Imperial Edicts authorised the issue of public moneys belonging to another fund, and, under those Edicts, there have been issued for its support, from first to last, Two hundred and sixty-five thousand Taels. Mr. Dechamps, detached from the Customs' Service to accompany that Mission as one of its Secretaries, drew pay, while with it, from its funds, and not from the Customs' Allowance.

7.—The Mission now in Europe with a Vice-President of the Board of War, Chung How,* at its head, is supported, I may add, by a Special Grant, and draws funds from neither Customs' Allowance nor Tonnage Dues. Mr. H. O. Brown, Mr. Novion and Mr. Imbert, who accompany the Mission as Secretaries, have ceased, for the time being, to draw pay from the Customs and are supported from the special funds of the Mission.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 28 OF 1870 (FIRST SERIES).

British Subjects in Chinese Employ, legal opinions on position of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st December, 1870.

SIR,

Ten years ago the former Inspector General, Mr. Lay, obtained the opinions of certain legal men of high standing in England, on

* Chung How (崇厚) was sent to France on a mission of apology after the riot in June 1870 at Tientsin which resulted in the loss of life of 18 French subjects, including the Consul, and the destruction of the French Consulate, the cathedral, and a French missionary orphanage.

points of interest affecting the position of British subjects serving the Chinese Government in the Customs. Several Commissioners have read these opinions, but as others may not have seen them, and as it may be of use to have them on record and at hand in each office, I now issue them.

I am, etc.,

(signed) ROBERT HART,
I.G.

I.

Counsel is requested to advise:—

1.—Whether under the British Treaties of Nanking or Tientsin [having regard to the Queen's Order in Council of 13th June, 1853,] it is obligatory upon the Chinese Authorities to refer Customs' cases of fine and confiscation, where these affect a British Subject, to a British Consular Court for adjudication.

1.—We are of opinion, that, under the British Treaties of Nanking and Tientsin, it is not obligatory upon the Chinese Authorities to refer Customs cases of confiscation, where these affect a British Subject, to a British Consular Court for adjudication. In considering this question, the Order in Council of the 13th June, 1853, must be entirely disregarded, as that merely contains the Ordinances of *one* of the contracting parties, for the purpose of carrying out the Treaties as between itself and its own subjects, but cannot have any force as against the other contracting party, except in so far as it is based upon the Treaties themselves. Looking, then, to the Treaties themselves, it appears that the two Governments negotiated on terms of perfect equality. It must, therefore, be conceded that the Chinese Government has retained all the rights of sovereignty which it has not expressly agreed to resign. Amongst those undoubted rights, is that of imposing and enforcing its own revenue laws within its territory. The ordinary mode of enforcing such laws is by seizure and confiscation of goods, in respect to which the infringement of the law has been committed. So far from this right having been parted with by the Chinese Government, under the Treaties referred to, it appears from several passages in them that its existence is expressly recognized and confirmed. Instances will be found in the 45th, 47th, and 48th sections of the Treaty of Tientsin. It is to be presumed that the Chinese Government, in proceeding to condemn and confiscate the property of Englishmen, will act with fairness; if it does not, this will be the subject of remonstrance on the part of Her Majesty's Government.

A different question, however, arises with reference to the power of the Chinese Government to impose a fine on a British Subject for the violation of Treaty obligations. These fines are all imposed on the *persons* offending; and, if the powers of the Chinese Government were unrestricted by the Treaty, it would be entitled to enforce the payment of the fines by imprisonment of the persons. We think, however, that it was intended by the 16th Article to prevent any proceedings against the *persons* of British Subjects; and that the committal of any of the acts, to which a fine is attached by the Treaties, is a "crime" within the meaning of that section.

2.—Whether the right of "adjudication" in such cases does not rest with the Chinese Authorities alone, subject only to the political and not judicial intervention of the British Authorities.

2.—It follows from what we have said above that the right of adjudication, in cases of confiscation, rests with the Chinese Authorities alone, subject only to the political intervention of the British Authorities. With regard to fines, we think that the Chinese Government cannot enforce them without the intervention of the British Consul.

3.—Whether the Chinese Authorities can refuse the Port Clearance mentioned in the 41st Article of the British Treaty of Tientsin until the Treaty fines and confiscations shall have been paid, or given up to them.

3.—We are of opinion that the Chinese Government cannot, by virtue of and by reason of the authority given by the 41st Article, refuse the Port Clearance mentioned in that article until the Treaty fines and confiscations have been paid, as the words "dues and duties" do not include any but payments so described in the Treaty; but wholly apart from that article, the Chinese Government would be warranted in refusing the Port Clearance to any vessel which, though it had paid its dues and duties, had committed some unredressed violation of the Chinese Customs laws. If the Chinese Authorities improperly withheld the Clearance, this would be the subject of political intervention by Her Majesty's Government; but we think that the withholding the Clearance on the ground that fines, or confiscations, incurred had not been paid, or given up, would not be deemed a wrongful act calling for the intervention of Her Majesty's Government.

4.—Whether, although not obligatory upon the Chinese Authorities, it is not allowable for them to resort as Complainants to the British Consular Courts in cases of fraud and confiscation, and to call upon the Consul [under the 2nd

4.—We are of opinion that the Chinese Authorities may, if they please, avail themselves of the provisions of the Order in Council, by giving information, under the 5th section, of the violation of the Treaties; and, therefore, it will be the

Article of the Nanking Treaty and the Queen's Order in Council] to see that the just duties, etc., of the Chinese Government are duly discharged by British Subjects, and for that purpose to issue search Warrants, etc.

5.—Whether a British Subject is amenable to a British Court or Tribunal for acts done by him as a Chinese Customs' Officer, provided such acts be not disavowed by the Chinese Government.

6.—Whether if a British Vessel should have on board articles of contraband or merchandise that has not been entered in her manifest and which is consequently confiscable (see the 37th and 48th Articles of the Tientsin Treaty) the Chinese Authorities can without a Warrant from the British Consul seize such articles of contraband or merchandise while still actually on board the Vessel and under the British Flag, or whether they must in the first instance obtain the Consul's Warrant for such seizure.

duty of the Consular Court to proceed to adjudicate upon the case. We do not, however, think that the Chinese Government can sue in the Consular Court as a civil plaintiff for the recovery of ordinary dues or duties.

5.—A British Subject is not amenable to a British Court or Tribunal, for acts done by him in pursuance of his authority as a Chinese Customs' Officer. If he exceeded his authority, he would only be protected in the event of his act being expressly ratified by the Chinese Government.

6.—If confiscable articles are on board a British Vessel in Chinese waters, the Chinese authorities may, without a Warrant from the British Consul, seize such articles, provided that, in doing so, they conform themselves to the requirements of the Chinese law, whatever those may be.

(signed) GEO. WINGROVE COOKE.
" JAMES HANNEN.

TEMPLE, 15th January, 1862.

NOTE.—GEO. WINGROVE COOKE, *Tithe, Copyhold and Inclosure Commissioner; Special Correspondent for "The Times" in China, 1857-58.*

JAMES HANNEN, *Judge of the Court of Queen's Bench, 1868; Judge of the Probate and Divorce Court, 1872; President of the Admiralty, Probate, and Divorce Division, 1875-93; President of Parnell Commission, 1888; Lord of Appeal, 1893.*

II.

Counsel is requested to advise:—

1.—Whether under the British Treaties of Nanking or Tientsin [having regard to the Queen's Order in Council of 13th June, 1853,] it is obligatory upon the Chinese Authorities to refer Customs' cases of fine and confiscation, where these affect a British Subject, to a British Consular Court for adjudication.

1.—We are of opinion, that, under the British Treaties of Nanking and Tientsin, it is not obligatory upon the Chinese Authorities to refer Customs' cases of confiscation, where these affect a British Subject, to a British Consular Court for adjudication. In considering this question, the Order in Council of the 13th June, 1853, may be disregarded, as that merely contains the Ordinances of one of the contracting parties, for the purpose of carrying out the Treaties, as between itself and its own subjects, but cannot have any force, as against the other contracting party, except in so far

as it is based upon the Treaties themselves.

Looking, then, to the Treaties themselves, it appears that the two Governments negotiated on terms of perfect equality. It must, therefore, be conceded that the Chinese Government has retained all the rights of sovereignty which it has not expressly agreed to resign. Amongst these undoubted rights, is that of imposing and enforcing its own revenue laws within its own territory. The ordinary mode of enforcing such laws is by seizure and confiscation of goods, in respect of which the infringement of the law has been committed. So far from this right having been parted with by the Chinese Government, under the Treaties referred to, it appears from several passages in them that its existence is expressly recognized and confirmed. Instances will be found in the 45th, 47th and 48th sections of the Treaty of Tientsin. It is to be presumed that the Chinese Government, in proceeding to condemn and confiscate the property of Englishmen, will act with fairness; if it does not, this will be the subject of remonstrance on the part of Her Majesty's Government.

A different question, however, arises with reference to the power of the Chinese Government to impose a fine on a British Subject for the violation of Treaty obligations. These fines are all imposed on the *persons* offending; and, if the powers of the Chinese Government were unrestricted by the Treaty, it would be entitled to enforce the payment of the fines by imprisonment of the persons. We think, however, that, although, in general, the mere breach of fiscal regulations is not regarded as a crime, yet the intention of the 16th Article was to prevent proceedings against the persons of British Subjects, except before the Consul; and that the committal of any of the acts, to which a fine is attached by the Treaties, is a "crime," within the meaning of that section.

2.—Whether the right of "adjudication" in such cases does not rest with the Chinese Authorities alone, subject only to the political and not judicial intervention of the British Authorities.

2.—It follows from what we have said above, that the right of adjudication, in cases of confiscation, rests with the Chinese Authorities alone, subject only to the political intervention of the British Authorities. With regard to

3.—Whether the Chinese Authorities can refuse the Port Clearance mentioned in the 41st Article of the British Treaty of Tientsin until the Treaty fines and confiscations shall have been paid, or given up to them.

4.—Whether, although not obligatory upon the Chinese Authorities, it is not allowable for them to resort as Complainants to the British Consular Courts in cases of fraud and confiscation, and to call upon the Consul [under the 2nd Article of the Nanking Treaty and the Queen's Order in Council] to see that the just duties, etc., of the Chinese Government are duly discharged by British Subjects, and for that purpose to issue search Warrants, etc.

5.—Whether a British Subject is amenable to a British Court or Tribunal for acts done by him as a Chinese Customs' Officer, provided such acts be not disavowed by the Chinese Government.

6.—Whether if a British Vessel should have on board articles of contraband or merchandise that has not been entered in her manifest, and which is consequently confiscable (see the 37th and 48th Articles of the Tientsin Treaty) the Chinese Authorities can without a Warrant from the British Consul seize

finer, we think that the Chinese Government cannot enforce them against the persons of British Subjects, without the intervention of the British Consul.

3.—We are of opinion, that the Chinese Government cannot, by virtue and by reason of the authority given by the 41st Article, refuse the Port Clearance mentioned in that article until the Treaty fines have been paid, as the words "dues and duties" do not include any but payments so described in the Treaty. The Chinese Government would, however, be warranted in refusing the Port Clearance to any vessel which, though it had paid its "dues and duties," had committed some unredressed violation of the Chinese Customs' laws, and which, according to those laws, entailed the penalty of confiscation. If the Chinese Authorities improperly withheld the Clearance, this would be the subject of political intervention by Her Majesty's Government.

4.—We are of opinion, that the Chinese Authorities may, if they please, avail themselves of the provisions of the Order in Council, by giving information, under the 5th section, of the violation of the Treaties; and, thereupon, it will be the duty of the Consular Court to proceed to adjudicate upon the case. We do not, however, think that the Chinese Government can sue in the Consular Court, as a Civil Plaintiff, for the recovery of ordinary dues or duties.

5.—We are of opinion, that in the event of any proceedings being taken in a British Court against a British Subject, in the employment of the Chinese Government, as a Customs' Officer, it will be a conclusive answer to such proceedings, that the act complained of was done by the Defendant within Chinese jurisdiction, in pursuance of his authority as a Chinese Customs' Officer.

We think, however, that the Chinese Official character is not sufficient to withdraw a British Subject, clothed therewith, from the jurisdiction of British Courts.

6.—If confiscable articles are on board a British Vessel in Chinese waters, the Chinese Authorities may, without a Warrant from the British Consul, seize such articles, provided that, in doing so, they conform themselves to the requirements of the Chinese law, whatever those may be.

such articles of contraband or merchandise while still actually on board the Vessel and under the British Flag, or whether they must in the first instance obtain the Consul's Warrant for such seizure.

(signed) W. ATHERTON.
 „ GEO. WINGROVE COOKE.
 „ JAMES HANNEN.

TEMPLE, *March 6th*, 1862.

NOTE.—SIR W. ATHERTON,
Solicitor General in 1859.
Attorney General in 1861.

III.

Counsel is requested to advise:—

1.—Having regard to the Treaties of Nanking and Tientsin and the Order in Council of 13th June, 1853, have the Chinese Authorities a right themselves to adjudicate in Customs' cases of fine and confiscation where these affect a British Subject, without referring the same to a British Consular Court?

2.—If they have such right, then in case of a supposed grievance in the manner or result of such adjudication, what is the proper course for such British Subject to adopt?

3.—Can the Chinese Officials, under the 41st Article of the Treaty of Tientsin, or under any other authority, refuse the Port Clearance until the Treaty "fines" and "confiscations" have been paid and given up?

4.—If not obligatory on the Chinese Authorities to resort as complainants to the British Consular Courts in cases of

1.—We are of opinion that the Chinese Authorities have such right of adjudication. Neither of the Treaties referred to contain any articles which take away or qualify the rights of the Chinese nation in this respect; and as for the Order in Council, such rights could not be affected by an instrument to which the Chinese themselves are not parties. But it may be right to observe that the Order of 13th June, 1853, contains nothing which shows any wish on the part of the Government of this country to take from the Chinese the power themselves to enforce their own Customs regulations, as sanctioned by the existing Treaties.

2.—In such case the British Subject might have recourse to his Consul, and might seek redress through the diplomatic but not the judicial intervention of that officer.

3.—We think that the 41st Article can only be regarded as an express recognition of the right of the Chinese Authorities to withhold the Port Clearance till the *dues and duties* referred to in the Treaties are paid. But there is no reason why the Chinese should not, irrespectively of any Treaty, lay down port regulations to the effect that they will not grant a Clearance to any ship of any nation, the master of which has been fined or his goods confiscated under Treaty, until such fine has been paid or goods be given up.

4.—There is no reason why Chinese Authorities should not resort, if they see fit, to the British Consular Courts

fine and confiscation, is it nevertheless allowable for them to do so; and if they so resort, is it not the duty of the Consul (under the 2nd Article of the Treaty of Nanking and the Order in Council of 13th June, 1853,) to see that the just duties, etc., of the Chinese Government are duly discharged by British Subjects, and to exercise in that behalf all his lawful authority?

5.—Whether in the event of proceedings being instituted in a Consular or other British Court against a Chinese Customs' Officer, who happens also to be a British Subject, it will be a sufficient defence that the acts complained of were done or directed to be done by the defendant in the lawful exercise of his duty as a Chinese Customs' Officer, and what is the proper method of raising such defence?

6.—Whether if a British vessel should have on board articles of contraband and which are consequently confiscable (see the 37th and 38th Articles of the Treaty of Tientsin) the Chinese Authorities can seize such contraband articles while on board the vessel and under the British Flag, without first obtaining a Consul's Warrant for such seizure?

as complainants in cases in which those Courts have jurisdiction granted to them. They have such jurisdiction in cases of a breach of Treaty by a British Subject, and in such cases they are (in reference to the dues and duties, fines and confiscations, secured to the Chinese by Treaty) auxiliary tribunals to the Chinese Courts—and, in such cases, the Consul would be guilty of a grave breach of his duty if he were to refuse to adjudicate, or to give to the Chinese the full benefit of any powers he may possess for discovering or punishing the offender.

5.—Such a defence would be sufficient and would entitle the defendant to a verdict or to the entry of a nonsuit. It might be raised by a plea of "not guilty;" but, if it be desired to obtain the judgement of the Privy Council, the more convenient course would be to place it on the record by a special plea, which would raise the question by way of demurrer.

6.—If it be the practice of the Chinese Customs' Officers to seize contraband articles on board the vessels of other nations in the ports of China, there is nothing in the existing Treaties to restrict this practice in reference to English vessels, or to require a Consul's Warrant to be previously obtained. We may remark, however, that in cases of suspicion only it would certainly be advisable to obtain the sanction of a Warrant. Such course, if not actually required by the rules of international law, would seem indicated by a due regard to the comity of nations.

(signed) FITZ-ROY KELLY.

„ JAMES STEPHEN.

TEMPLE, 23rd May, 1862.

NOTE.—SIR FITZ-ROY KELLY,

Queen's Counsellor, 1835.

Solicitor General, 1852.

Attorney General, 1858.

Chief Baron of the Court of Exchequer, 1866–80.

SIR JAMES STEPHEN, LL.D., D.C.L., K.C.S.I.

Registrar of the Court of Bankruptcy at Leeds.

Author of "General View of the Criminal Law of England," 1863 and "History of the Criminal Law of England," 1883.

Legal Member of the Viceroy of India's Council, 1869; *Judge of the Queen's Bench Division*, 1879; *Professor of Common Law at the Inns of Court*, 1875; *Judge of the High Court of Justice*, 1879–91.

NOTE.—The following Extracts from Official Despatches show the opinions Sir F. Bruce and Earl Russell entertained upon this subject. (Blue Book, China, No. 3, 1864.)

Mr. Bruce to Earl Russell.

[PEKING, DECEMBER 23, 1862.]

* * * * *

“In my despatch of December 2nd I referred your Lordship to a joint opinion given by Sir. W. Atherton and other able Counsel to the effect that the Chinese Custom-house is by Treaty entitled to confiscate goods in certain cases, and that, if it exercises this power unjustly, redress must be sought against the Government by diplomatic proceedings. Also, that for acts done by a British subject in its employ, the Chinese Government is responsible, and that were an action to be brought against him before a British Tribunal for any act done in the exercise of the authority conferred on him by the Chinese, it is a sufficient defence to plead the authority under which he acted. Page 31.

In this case, had Messrs. Bowman and Co. in the first instance brought an action against Mr. Fitzroy for having seized their goods, it would, technically speaking, have been advisable to allow the plaint to have been entered, and Mr. Fitzroy to have set forth his defence on record. The action would then have come to an end. But a long correspondence and several interviews took place with the Chinese Superintendent of Customs on this case, in which that officer, very properly, treated the act as done by his authority, and accepted the whole responsibility of it.

When the case was referred to me, no sufficient ground existed, in my opinion, for demanding compensation; and it did not appear to me advisable to direct the Consul to go through the farce of summoning Mr. Fitzroy, after the complainant had recognized the act as done under the authority of the Chinese Government.”

Earl Russell to Sir F. Bruce.

[FOREIGN OFFICE, AUGUST 14, 1863.]

* * * * *

“But Her Majesty’s Government also think that the Court which should entertain it would be bound to give judgment for the defendant, upon the fact of his employment as a Chinese functionary in the Chinese Customs being either admitted or proved, for Her Majesty’s Government conceive that a British subject so employed is not civilly answerable in the British Consular Courts for acts done by him in his official capacity. Page 94.

There remains the question as to the power of the Supreme Court at Hong Kong to issue a mandamus to the Consular Court, and, so far as Her Majesty's Government are aware, such a power cannot be assumed by the Court at Hong Kong, which is, without such authority, merely a Court of Appellate, and in some cases of concurrent, jurisdiction.

I shall only further observe that these difficulties have arisen from an event not expressly contemplated in the year 1853, viz., the employment of British subjects in the service of the Emperor of China. Her Majesty's Government consider that such persons do not, by virtue of that service, cease to be "British subjects" under the terms of the Order in Council; although, in respect of acts done by them officially in the service of the Chinese Government, when such justification is pleaded and proved, they ought not to be holden civilly liable in the Consular Courts."

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CIRCULAR No. 30 OF 1870 (FIRST SERIES).

Pilotage Memorandum, enclosing copy of, for archives.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 31st December, 1870.

SIR,

I enclose for the records of your office a copy of a Memorandum concerning Pilotage, written early in 1867. In view of the changes that have been made in the General Regulations and Local Bye-Laws since that date, it may not be altogether useless to have the original *projet* at hand for future reference.

I am, etc.,

(signed) ROBERT HART,
I.G.

PILOTAGE MEMORANDUM.

Having been requested to take the Pilotage question generally into consideration, I now beg to invite attention to the following remarks and propositions, which it must be remembered are simply suggestive.

“ Tout individu qui voudra exercer la profession
The French Treaty, Art. XV. says of pilots. “ de pilote pour les bâtiments Français pourra,
“ sur la présentation de trois certificats de
“ capitaines de navires, être commissionné par le Consul de France
“ *de la même manière que cela se pratiquerait pour d'autres nations.*
“ La rétribution sera réglée pour chaque port en particulier par le
“ Consul.”

The Prussian Treaty, Art. XI. — “ il aura la faculté d'engager tel pilote qui
“ lui conviendra.”

The British Treaty, Art. XXXV. and — “ shall be at liberty to engage the services
“ of a pilot.”

The U.S. Treaty, Art. XVII. — “ shall be allowed to engage pilots,” are so
like each other in their wording as to make further
remark unnecessary.

I presume the article in the French Treaty had in view the prevention of any obstructive attempt, on the part of the Chinese Authorities, to limit the number, or determine who should enter the

deposit with the Board the sum of *Fifty Taels; thereon the President of that Board shall countersign his Consular Certificate, and direct him to present himself for examination at the next meeting of the Board of Appointment.

6th.—It is proposed that the Board of Appointment shall issue Certificates or Licenses of three kinds: the first to be styled a "Pilot's License," the second "Apprentice Pilot's Certificate," and the third "Chinese Pilot's Certificate;" that if, in the opinion of three of the four persons composing the Board, the applicant has a full and sufficient knowledge of the port, and of navigation between it and the sea, a "Pilot's License" shall be issued to him, signed by the Harbour Master, to be by him presented to the Commissioner of Customs for countersignature, upon which his name will be enrolled on the register of Pilots and published in the public prints, after which he will be entitled to pilot in the limits prescribed. On the other hand, if, in the opinion of three out of four of the members of the Board, the applicant is possessed of sufficient skill to work a ship, but is not sufficiently acquainted with the port and navigation in the adjacent waters to be entitled to a Pilot's License, and if any duly Licensed Pilot shall be willing to accept him as an Apprentice, it shall be at the discretion of the Board to issue an "Apprentice Pilot's Certificate," distinctly setting forth that the individual concerned is not competent to Pilot ships, but authorising him to serve for a period of six months on board a Pilot-boat or in attendance upon a Pilot, at the end of which time he may again present himself for examination, when, if found competent, the "Apprentice Pilot's Certificate" shall be cancelled, and a "Pilot's License" issued as above provided. The third or "Chinese Pilot's Certificate" shall distinctly set forth that the responsibility of working the ship if a sailing vessel, or a steamer if going more than half-speed, shall rest with the Master of the vessel, and not with the Pilot, whose knowledge, perfect though it may be in respect of depth of water, currents, and sets of tides, cannot but be deficient as regards the working of sails, or the requisite words of command. The members of the Board of Appointment shall each be entitled to receive from the Board of Control a fee of Taels 7.50 for each candidate examined, whether passed or rejected; and a record shall be preserved of questions asked and answers given at such examinations, as well as of all other proceedings of the Board.

7th.—It is proposed that the Board of Control shall draw up such bye-laws as may from time to time be required, and such

* The Examiners to receive Taels 30 as fees: the remainder, Taels 20, to go to form a fund to meet office expenses, to provide stationery, and to pay for printing.

special rules as special circumstances may demand; it shall define the Pilotage ground, and draw up a tariff of charges. Such laws and tariff, signed by all the members of the Board, or by the President on behalf of the Board, shall be suspended in the various public offices at the port, and shall for the time being be equally valid with regulations or rules emanating from Peking; such bye-laws shall, however, be at once reported to Peking by the Commissioner of Customs, where they shall be forwarded for approval by the Tsung-li Yamên to each Treaty Power Minister, and, when duly approved of, they shall be published in the local prints.

8th.—It is proposed that duly licensed Pilots shall be at liberty to exercise their calling either singly or in companies, as may seem good to themselves.

9th.—It is proposed that any person piloting, other than a duly licensed Pilot, shall be liable for each offence to a Fine of not less than Taels 50 and not exceeding Tls. 200, or, in default of payment, to imprisonment for a period not exceeding three calendar months, the fine to be recovered, or the imprisonment to be given effect to, by the Court to which the recusant shall be subject—the same being the Board of Control in the case of non-represented Foreigners or Chinese.

10th.—It is proposed that any certificated Pilot proved to have lent his Certificate to another person shall render himself liable to the withdrawal of his Certificate, and to a fine of Five hundred Taels with three months' imprisonment at hard labour.

11th.—It is proposed that, while for offences generally each Pilot shall be subject to such punishment as the laws of his own country may specify, any Pilot who shall be reported to the Board of Appointment for any breach of the local bye-laws, or for negligence or misconduct when upon duty, shall have his License suspended in the first instance by that Board, and, if again complained of, the Board of Appointment shall bring the complaint to the knowledge of the Board of Control, by which, upon due enquiry made, the License may be definitively withdrawn.

12th.—It is proposed that in the event of any vessel getting ashore while in charge of a Pilot, the Board of Control shall institute such enquiries as the circumstances may admit of, and shall exercise its discretion as to the suspension of the Pilot concerned or the definitive withdrawal of his License.

13th.—It is proposed that any Pilot carried off from the Pilot ground owing to stress of weather shall be entitled to compensation at the rate of Five Taels (or \$6.50) *per diem*, and the payment of his actual and necessary expenses in returning; but that, if the Pilot is carried off from the Pilot ground, owing to the absence of a Pilot-boat, or otherwise through a fault of his own, he shall not be entitled to compensation beyond his pilotage, and shall be liable to remunerate the shipmaster for his passage, etc.

14th.—It is proposed that all Pilot-boats shall be registered at the Customs, that they shall deposit their original Registers or Sailing Letters with their Consul, and be supplied with a special Certificate by the Customs to be styled a "Pilot-boat's License;" that a list of the crew, apprentice pilots included, shall be deposited with the Customs, and that changes shall be duly reported; that such licensed Pilot-boats shall be permitted to come and go at pleasure, without report at, or clearance from the Customs, and that they shall be exempt from Tonnage Dues; that each licensed Pilot-boat shall have the name of the port legibly painted on the stern, and the words "Licensed Pilot-boat No. — (*Customs' registered number*)" on the head of the mainsail, and shall fly a flag of which the upper horizontal half shall be yellow and the lower green; that, if discovered to be concerned in any smuggling transaction, or in the unauthorised transport of any description of cargo, such licensed Pilot-boat so offending shall be punished by the withdrawal of her License, while the goods will be confiscated; and that such licensed Pilot-boats, going out of or coming into port, shall be obliged to convey backwards or forwards, as the case may be, either after signal made or requisition served, such employes of the Harbour Master's department as may be proceeding to or from the light-houses or lightships situated within the limits of the Pilotage ground, and shall further carry such stores as may from time to time be entrusted to them by the Harbour Master or his agents.

15th.—It is proposed that for the prevention of disputes, and to ensure the payment of the tariff charges, a Ship's register shall be kept in the Harbour Master's Office, in which shall be noted the draught of water of every vessel at the time of entering and leaving the port.

Note.—The rules now to be promulgated to be subject to revision, but only at Peking, and to be added to or altered, as occasion may demand, but to be and to remain in full force and operation at each port and obligatory on all until by notification to the contrary from Peking.

I believe that the propositions which precede are as simple as they could well be made; they are in accord with the state of affairs at the ports generally, and legislate for the various points requiring to be determined at Peking. The General Regulations to be applied to all the ports can be supplemented by Special Rules for each port, to be drawn up at the port itself, and to be subsequently reported to Peking for approval. The machinery proposed will, I think, be found to work well, and the regulations are fair and reasonable.

(signed) ROBERT HART,
I.G.

PEKING, *26th March*, 1871.

CIRCULAR No. 6 OF 1871 (FIRST SERIES).

**Authority to Pay, Confiscation Rewards, Night Fees, I.G.'s
Return; instructions concerning.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 30th December, 1871.

SIR,

I have to request your attention to the matters set forth below, and your compliance with the instructions now issued concerning each.

1°. Authority.

When any one is appointed by the Inspector General to take charge of a port, temporarily or permanently, the letter of appointment, signed and sealed by the Inspector General, is, in itself, an authority for the person who assumes charge, to continue to make such current disbursements as preceding Commissioners held general authorities for, and such special payments as preceding Commissioners, provided with special authorities, had not completed.

2°. A/c. B. Confiscation Rewards.

Where confiscation is the result of information given by any person other than a Customs' employé, that person is to receive Three-Tenths of the nett proceeds, and One-Tenth is to be divided among the paid Customs' Officers employed in making the Seizure. Where confiscation or fine is the result of the vigilance of any Customs' employé,—such as the detection of dutiable goods concealed in personal baggage or on the person, false description of quality or quantity, shipment or discharge without permit, etc., etc., etc.—a reward of One-Tenth the nett proceeds is to be paid to the officer concerned. Fines for breaches of Harbour or Pilotage Rules are to be entered in A/c. B. under the heading of Fines.

3°. A/c. D. Night Fees.

For permission to work from dark to midnight, the fee is *Ten Haikuan Taels*, and for permission to work from dark to any hour after midnight the fee is *Twenty Haikuan Taels*. For permission to work

during ordinary working hours on a Sunday or Holiday the Fee is *Twenty Haikuan Taels*, and for permission to work after dark on such days, twice the ordinary Fees (viz. *Twenty* and *Forty Taels*) are to be collected. These Fees are, in all cases, to be remitted to the Inspector General's A/c. D., and are not in any case to be paid to, or divided among employés on duty.

4°. Inspector General's Return: A/c. A., B., C., and D.:
"Balance (including Advances)."

For the purposes of the Inspector General's Return, and as employed in accounts that deal with disbursements made under *General* authorities, the word *Advances* is to be applied exclusively to amounts advanced by an Account (e.g. A.) to one or other of the Sub-Heads of the same Account (i.e. A.), and is not to be applied to amounts lent by one Account (e.g. A.) to another (e.g. B.). In this sense, the word takes credit for money withdrawn from the chest and applied to an as yet unfinished work—to a work where money has had to be paid out to begin and carry it on, but where the unfinished condition of the work has made it impossible to spread the expenditure over the items that are to be entered in the Accounts, so that the money, incorporated as it then is with the Balance, is retained as an Office Debit, to be entered to Credit when the work is actually finished, and the bills presented and paid. As regards amounts lent by one Account (e.g. A.) to another (e.g. B.), no such loan is to appear in the *Accounts rendered*, except after special authority applied for and received, and whenever any such authority is issued from the Inspectorate, instructions will, at the same time, be given as to the manner in which the transaction is to be treated for purposes of record and repayment. Of course, in the every day work of an office it may be for the moment necessary to use the funds of one Account (A.) for the purposes of another (C.), but such transactions are certain to be squared locally by the end of the day, week, month or quarter, and, although the Accountant ought to keep a careful record of them—a *local* record for local purposes, it is not desirable to allow

them to appear in any way in the Accounts rendered to the Inspectorate.

5°. Inspector General's Return: Chinese Version.

The various offices should have blocks cut and forms printed by the hundred as required. The paper ought to be of the same size, quality and colour as that originally supplied by the Inspectorate, and the characters ought to be of the same style and size. But more important than size of characters or quality of paper, is correctness: the Accountants and Translators must again be instructed to be careful to see that the English Return is correct, and that the Chinese Version fully agrees with it.

As regards the English Version of the Return, I have to instruct you to omit in future the columns under the headings

Total: from 1 Jan.
to.....18.....

 and

Total:.....
to.....18.....

It will suffice to send forward

the first column

..... Quarter
ending.....

 duly filled in.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 1 OF 1872 (FIRST SERIES).

**Duty-Free Goods, classification of, and instructions
regarding mode of treating.**INSPECTORATE GENERAL OF CUSTOMS,
SHANGHAI, *22nd April, 1872.*

SIR,

1.—In the interpretation of the Second Rule appended to the Tariff, concerning Duty Free Goods, and in action taken under that Rule, some differences have lately shewn themselves in the practice of the several ports. It is desirable that that interpretation and action which are most in accord with the spirit and letter of the Rule should obtain at all places, and I have now to request that you will be guided, in future, by the explanations and instructions set forth in the paragraphs that follow.

2.—Logical division does not appear to have been aimed at by the framers of the list of Duty Free Goods and much confusion has been the result.

The Rule reads thus:—

“ Gold and silver bullion, foreign coins, flour, Indian
 “ meal, sago, biscuit, preserved meats and vegetables,
 “ cheese, butter, confectionery, foreign clothing,
 “ jewellery, plated-ware, perfumery, soap of all kinds,
 “ charcoal, firewood, candles (foreign), tobacco
 “ (foreign), cigars (foreign), wine, beer, spirits, house-
 “ hold stores (articles de menage), ships’ stores,
 “ personal baggage, stationery, carpeting, druggeting,
 “ (articles de tapisserie), cutlery, foreign medicines,
 “ and glass and crystal ware. The above pay no
 “ import or export duty, * * * * ”

3.—When the list is carefully examined, it is seen that it may be said to comprise three different kinds of names or denominations:—

- 1°. Names of separate articles;
- 2°. Names of classes of cognate articles;
- 3°. Names of groups of classes and articles.

On re-arrangement under these three headings the names in the list stand as follows:—

1°. *Names of separate articles.*

Bullion.	Spirits.
Coins, Foreign.	Wine.
....
Biscuit.	Soap.
Butter.	....
Cheese.	Candles, Foreign.
Flour.	Charcoal.
Indian Meal.	Firewood.
Sago.	....
....	Carpeting.
Foreign Cigars.	Druggeting.
Foreign Tobacco.	Articles de Tapisserie.
....
Beer.	

2°. *Names of classes of cognate articles.*

Confectionery.	Cutlery.
Preserved Meats.	....
Preserved Vegetables.	Stationery.
....
Foreign Clothing.	Medicines, Foreign.
Jewellery.	....
....	Perfumery.
Glass and Crystal Ware.	
Plated Ware.	
....	

3°. *Names of groups of classes and articles.*

Household Stores.	Ships' Stores.
Articles de Menage.	Personal Baggage.

The names placed in the first class for the most part designate separate articles; they may be regarded as names of articles pure and simple. Those in the second class appear to have a wider signification, and may therefore be read as referring to classes or descriptions of things rather than to distinct and individual articles. The third class contains names of yet wider signification and, except when interpreted with special reference to the original intention of the Rule, might be held to include not only most of the articles and classes of articles named in the Duty-Free List, but also many of the articles and classes of articles named in the Tariff of dutiable

goods. The question then arises as to the action to be taken to give the fullest effect to the letter and spirit of a Rule with such a list for guidance.

4.—It was the intention of the framers of the Duty-Free Rule to enable the foreigners resident at the ports to import free of duty whatever they might require for personal use in the shape of things:—

- to eat;
- to drink;
- to wear;
- to cleanse, ornament, perfume and heal the person;
- to furnish and light their dwelling houses, and use in cooking ranges;
- to use in their counting houses;
- to serve as a medium of exchange;
- to serve for personal use on journeys;
- to provision their ships.

In short, the object of the Rule was to free from duty whatever an individual foreigner might require for his personal use; on the other hand, it was no part of its object to free from duty such things as are intended for sale to Chinese. In taking action under the Duty-Free Rule the Chinese authorities have to aim, on the one hand, at giving foreigners the highest enjoyment of the privilege compatible with the Tariff, and, on the other, at giving the Tariff the widest possible scope compatible with the existence of this Duty-Free Rule. How this is to be done cannot be well seen unless the Duty-Free List is regarded as divisible into the three sets of names above adverted to. After such a division it becomes more easy to see how articles are to be treated, according to the class they belong to.

5.—We have first of all the first division or *names of articles*. The proper action to be taken in respect of each of these articles would be to free it from duty whether imported or exported, no matter by whom carried, no matter in what quantity, and no matter whether for sale or personal use.

6.—In the second division we have the *names of classes of articles*. To understand how these are to be dealt with becomes plainer when we examine, for example, the class-name “foreign clothing.” Foreign clothing is to be exempt, says the Rule; the Tariff, on the other hand, specifies the duties to be paid by Cottons, Linens, Furs, Woollens, Silks, Satins, Gauzes, etc. From this one might fairly conclude that what the Rule means when it frees

foreign clothing from duty is, that it is *made-up articles* and *not materials* that are to be free. The principle, therefore, to be followed in dealing with articles for which exemption is sought on the ground that they fall within one or other of the classes named in the second set of names, would appear to be that the exemption is to be granted if the articles are made-up, and may be withheld if they arrive in the shape of materials. Materials would therefore pay duty according to Tariff, but ready-made articles for foreign use of the kinds in question would be duty-free, no matter by whom imported, no matter in what quantity, and no matter whether for sale or for personal use. Where, however, materials are imported in small quantities by foreign retail-dealers, tailors and milliners, and are known to be for sale in small lots to foreigners, or to be made up by the importers for foreign use, the ambiguity of the term *clothing* may be interpreted so as to cover such materials and authorise their exemption.

7.—As regards the third set of names, the *names of groups* which comprise both classes and articles, it will be seen that they do not do more than suggest, in a very general way, the various sorts of things likely to claim exemption: they do not supply the names of separate articles, nor are they of a nature to enable us to distinguish between materials and made-up articles. Here the principle of exemption is to be sought for and found in the use to be made of each article. When exemption is claimed for any article on the ground that, not named in the list of the first set of articles, and not included in any of the classes found in the second set or class-names, it belongs to the category of Household Stores, *e.g.*, the first inquiry ought to be: is it named in the Tariff as dutiable? If the Tariff names it as dutiable, its claim for exemption cannot be allowed. If the Tariff does not name it as dutiable, the applicant is to be asked whether the article is for sale or for personal use; if for personal use, it is to be exempted, but if declared to be for sale, it is to pay a 5 per cent. *ad valorem* duty in accordance with the provisions of the first rule * appended to the Tariff.

8.—The practical rule for general guidance is this:—All articles named in the first class are to be passed free without further inquiry; all articles ready for use comprised in any of the class-names of the second class, and foreign clothing if imported in the shape of materials, in reasonable quantity, and by foreign retail dealers, tailors or milliners, for sale to foreign consumers, are to be passed free; articles not named in either Tariff or Duty-Free List, if

* "Articles not enumerated in either list, nor in the list of duty-free goods, will pay an *ad valorem* duty of 5 per cent. calculated on their market value."

sought to be passed free as belonging to one or other of the groups forming the third set of names, are to be passed free if for personal use, and are to be charged duty if for sale.

9.—The general rule having been thus stated, attention has yet to be called to some points in which either the Duty-Free Rule has been added to, or in which Tariff and Rule modify each other.

A.—Articles brought into port by any vessel to be used on board, or in the repairs of that vessel, as well as articles which at the time of import are reported to be for the use or repairs of a specified vessel in port, are to be passed duty-free. This applies to articles named in the Tariff as dutiable, and also to articles which, transported for any other purpose, would have to pay an *ad valorem* duty.

B.—Clocks and Musical Boxes (which some place among *les Articles de Menage*) and Umbrellas (which some would class with Foreign Clothing) are named in the Import Tariff and are therefore dutiable, no matter by whom, for what purpose, or in what quantity imported.

C.—Carpets and Druggets are named in the Export Tariff, while Carpeting and Druggeting are specified in the Duty-Free List. You will therefore allow *Foreign* Carpeting and Druggeting to pass free whether arriving or departing, but you will levy duty on *Chinese* Carpets and Druggets whether shipped or discharged. The same remarks apply to *Felt Caps*.

D.—In Import and Export Tariffs, Coral, Cornelians, Bangles, Glass Beads, False Pearls, Silver and Gold Ware, are named as dutiable. In interpreting the word *Jewellery*, therefore, in the Duty-Free List, you will limit its signification to made-up articles worn by Foreigners: men's Shirt Studs, Sleeve Links, Watch Chains, Finger Rings, Charms, Pencilcases, and ladies' Earrings, Necklets, Locketts, Brooches, Rings, Watch Chains, Hair Pins, Scent Bottles, etc.

E.—Preserved Meats are declared duty-free; but Hams are dutiable. Preserved Vegetables are named in the Duty-Free List, but Import and Export Tariffs place duties on Betel-nuts, Olives, Almonds,

Chesnuts, Dates, Ground-nuts, Lichees, Lungnans, Preserves, etc. Thus, the term *Preserved Vegetables* does not include all kinds of *Preserved Fruits*. The object of the Duty-Free Rule will however be best attained by reading the term "Preserved Vegetables" as covering the Foreign Preserved Fruits used by Foreigners.

F.—Cinnamon, Cloves, Mace, Nutmegs, Honey, Liquorice, Comfits and Sweetmeats, and Sugar Candy, are named in the Tariff and are therefore dutiable. Hence the word Confectionery would seem to require to be read as covering only such articles as can both be properly styled Confectionery and be said to be for Foreigners' consumption, viz.: Pastry, Cakes and Bon-bons. But as the term is a convenient one, it will be well to employ it with an extended signification, so as to cover the Spices, Seasonings and Flavourings required for use in cookery, in making Pastry, and at table.

G.—Foreign Tobacco is on the Duty-Free List. This is to be read as meaning the Tobacco which Foreigners smoke or chew. It is not to include, for instance, Japanese Tobacco, which on the one hand too closely resembles Chinese Tobacco to make it expedient to allow its free entrance, and on the other comes from a country that was not open to trade, and consequently not considered in the arrangements of negotiators at the time of making the treaties.

H.—Firewood and Charcoal are duty-free, but Coal is dutiable.

I.—In the Tariff of Imports and Exports the following articles are pronounced dutiable: Curiosities, Lampwicks, Mats, Quilts, Blankets, Rugs of Hair or Skin, Leather Trunks, Pictures and Paintings, China Ware, Pottery and Earthen Ware. All of these articles might be said to fall under the heading of "Articles de Menage," but as they are thus specified as dutiable and are traded in by both Chinese and Foreigners, they must be regarded as not entitled to exemption.

J.—The Export Tariff makes *Shoes and Boots* dutiable; inasmuch however as the Shoes and Boots worn by

Foreigners are essentially different from those worn by Natives, and may be said to fall under the heading of *Foreign Clothing*, a class-name in the Duty-Free List, they may be pronounced to be for Foreign use, and may therefore be passed free.

K.—All articles which are not specified in the Duty-Free List or named as dutiable in the Tariff, are to pay a 5 per cent. *ad valorem* duty, if for sale, but may be passed free, if in reasonable quantities, when declared to be for the personal use of the applicant and not for sale.

L.—Articles named in the Tariff as dutiable, are not entitled to exemption at any time (stores for specified ships excepted. See above *A.*).

10.—The explanations which precede appear to be all that this matter, for the present, requires. It will, however, be convenient to have the Duty-Free List in a more orderly and more intelligible form than either the original rule or par. 3 of this Circular sets before you. I have therefore to request that, in the current work of the Office, you will adopt the following classification.

LIST OF ARTICLES AND CLASSES OF ARTICLES TO BE PASSED DUTY FREE.

A.—For Eating.

1. Biscuit: all kinds, plain and fancy.
2. Butter: including condensed and dessicated Milk.
3. Cheese.
4. Flour.
5. Meal: Indian and Oat.
6. Sago: including Arrow Root, Corn Flour, Maizena, etc.
7. Preserved Meats: Fish, Flesh and Fowl, including tinned Game of all kinds, Shellfish, Patties, Sausages, Caviare, etc., together with Beef and Pork in cask for ships. [*N.B.*—Hams not included.]
8. Preserved Vegetables: Chinese fresh vegetables and fresh fruits, (Oranges, Cumquots, Citrons, Pumeloes, Cocoa Nuts, Pine Apples excepted), and Foreign preserved vegetables and fresh and preserved fruits, including Pickles, Chutnies, Raisins, etc., but excluding Olives, Dates, and any dried fruits or salted vegetables named in the Tariff of dutiable goods.

9. Confectionery: Pastry, Cakes, Bonbons, but excluding *Chinese Preserves*, Comfits and Sweetmeats; Coffee, Chocolate, Cocoa; Spices, Sauces, Seasonings and Flavouring Essences, including *Foreign Pepper*, Mustard, Table Salt in small jars, Catchup, Vinegar, Oil, Anchovy, Tomato and Worcestershire Sauces, etc.

B.—For Drinking.

10. Beer, Spirits and Wine: including Foreign Bitters, Liqueurs, Cordials, Raspberry Vinegar, Soda Seltzer and Mineral Waters, Lemonade, etc., but excluding Samshoo and Chinese Wines.

C.—For Smoking and Chewing.

11. Foreign Cigars. [Including Cigar Cases, Cigar Holders and Pipes.]
12. Foreign Tobacco (Japanese Tobacco not included).

D.—For Washing and Scenting.

13. Soap (not including Chinese Soap).
14. Perfumery (not including Musk).

E.—For Lighting and Firing.

15. Foreign Candles.
16. Charcoal.
17. Firewood.

F.—For using at Table.

18. Cutlery.
19. Glass and Crystal Ware, including *Foreign* Crockery, China Ware and Porcelain, but excluding *Native* China Ware, Pottery, Earthenware, etc.
20. Plated Ware.

G.—For Furnishing.

21. Articles de Menage: Drawing Room, Dining Room, Bedroom, Bathroom, Kitchen, Pantry and Counting

House Furniture; Furniture for Billiard Room, Bowling Alley, and Racket Court; Safes, Stoves, Grates, Cooking Ranges, Fire Irons, Fenders, Coal Scuttles, etc.; Cornices and Curtains, etc.; Gas Fittings, Bells, etc.; Books, Music, Musical Instruments (Musical Boxes not included); Scientific Instruments and Apparatus, etc.; Saddlery, Harness and Carriages, etc.; [*N.B.*—Pictures, Paintings, Looking Glasses, Mirrors, and Clocks not included].

- 22. Carpeting (Chinese Carpets *not* included).
- 23. Druggeting (Chinese Druggets *not* included).
- 24. Articles de Tapisserie (Berlin Wool work, Antimacassars, etc.).

H.—*For Wearing.*

- 25. Foreign Clothing: Ready-made of all kinds for Head, Person, or Foot; Materials for Foreign Clothing, male and female, if imported in reasonable quantities by Foreign Retail-dealers, Tailors and Milliners for Foreign use. (Including Foreign Boots and Shoes, Hosiery, Haberdashery, and Millinery; but excluding Cotton Handkerchiefs, Silk Ribbons, Silk Thread, Silk Shawls, Silk Scarfs, Silk Tassels, Silk Caps, Chinese Felt Caps, Chinese Boots and Shoes).
- 26. Jewellery: worn by foreigners, male and female.

I.—*For Correspondence.*

- 27. Stationery: Foreign Pens, Pencils, Ink, Paper, Blotting Paper, Gum, Sealing Wax; Copying Presses, Printing Presses, Type, Despatch Boxes, Portfolios, Red Tape, Packing Twine.

J.—*For Compounding and Dispensing.*

- 28. Foreign Medicines (including Surgical Instruments, and Chemicals and Apparatus for Photographers, but excluding *Castor Oil* if arriving in quantities of more than 100 catties weight at a time).

K.—*For Exchange.*

- 29. Bullion and Foreign Coins.

L.—For Personal Use, and not for Sale.

30. Household Stores: } Articles not named in the Tariff as
 31. Ships' Stores: } dutiable, nor yet on the preceding
 32. Personal Baggage: } list as free from duty, are required
 to pay a 5 per cent. *ad valorem*
 duty if imported or exported for sale; if not for sale,
 but for the special and personal use of specified in-
 dividuals, honges, companies or ships, and in reasonable
 quantities, any such *unenumerated* articles may be
 passed free when declared to be Household Stores,
 Ships' Stores, Dock Stores or Personal Baggage. If for
 the use or repairs of specified ships, *enumerated* articles
 may be passed free when in reasonable quantities.

Note.—For statistical purposes, shippers and consignees are required, when reporting their shipments and consignments, to give full particulars,—denomination, quantity, value, etc.; and for shipment and discharge of duty-free goods, Customs permits must be taken out in the ordinary way (Cir. No. 4 of 1867).

11.—Although this Circular aims at treating the subject exhaustively, some points may have escaped attention on which additional instructions may be wanted. You will adhere strictly to such instructions as I have given, however, and should you or any other Commissioner address any questions to me, supplementary instructions for the guidance of all can be issued at some future day. From what precedes you will see that on all occasions you are to free some goods,—that when they arrive made up and ready for use, or are merely materials in small quantities for retail to foreigners, you are to free certain other goods,—and that when they are for personal use and not for sale, you are to free yet another or third class of goods. With the exception of the articles to be freed belonging to some one of these three divisions, all other goods are to pay either the duty placed opposite their names in the Tariff, or a 5 per cent. *ad valorem* duty as provided for in the First Tariff Rule.

12.—I avail myself of this opportunity to add a few remarks concerning articles carried as personal property or found in Passengers' Luggage. Chinese moving from one port to another generally carry with them some articles purchased for personal use which pay no freight and are not entered on the ship's manifest.

If the things they have with them are of foreign origin, and the vessel they arrive in is from a treaty port, it may be taken for granted that such things paid duty in the lump when originally imported; no inquiry need be made into the matter unless each or

any article is in sufficient quantity to be liable to a charge for freight, or to have been chargeable originally with a duty of *Ten* taels, in which case, an exemption certificate ought to accompany it; in the absence of an exemption certificate, a fine of *Five* taels may be levied to mark the irregularity.

If the carrier of the article of foreign origin arrives in a vessel from Hongkong, he ought to be called on to pay duty on any article that amounts to that quantity on which the Tariff says duty is to be so much, *e.g.*, a *piece* of Shirtings, a *100 catties* Mangrove Bark, etc., etc., etc.

If the articles carried are of native origin, *e.g.*, *Fans* or *Grass Cloth*, they may be allowed to pass, if the quantity does not exceed *one-tenth* of that on which the Tariff says duty is payable, *e.g.*, 10 catties Grass Cloth; if exceeding that amount, they ought to pay duty.

If neglecting to report his goods, the carrier, in addition to being called on to pay duty, may be fined *Ten* Taels to mark the irregularity; if concealing the goods, and they be in such quantity that the carrier seems to have an object in defrauding the revenue the goods may be confiscated.

These remarks do not apply to *unprepared* opium; *prepared* opium may be taken on board in small quantities for personal use on a voyage, but when a vessel is from any other than a treaty port, undeclared prepared opium found in passengers' luggage is to be charged duty or confiscated, according to quantity and circumstance.

These instructions will suffice for the present, and if, in giving effect to them, you think it right to call attention to any part you may find objectionable, I shall be glad to hear what you may have to say.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 3 OF 1872 (FIRST SERIES).

Official Proceedings, Inquiries, Joint Investigations, etc., I.G. to be promptly and fully informed of.

INSPECTORATE GENERAL OF CUSTOMS,
SHANGHAI, 27th April, 1872.

SIR,

1.—Questions are frequently put to me at Peking,—either by Ministers to whom Consuls have written, or by the Yamên to which

the Superintendents' reports have come on,—to which I am unable to make any reply, and on inquiry I have found that Commissioners have not made me acquainted with the matters discussed, either thinking them of no special importance or desiring to defer mention of them till after settlement. Much inconvenience has resulted, and I have now to request you to be careful to give effect for the future to the instructions contained in the paragraphs that follow.

2.—Whenever you find it necessary to request the Superintendent to address a Consul,—whenever the Superintendent informs you that he has been addressed by a Consul,—and whenever the Superintendent requests you to make any communication to either a Consul or any members of the mercantile community, it will be your duty to report the matter to me officially at the outset without delay, and, that done, keep me regularly acquainted with the various steps subsequently taken in the premises.

3.—Whenever a formal inquiry is made by you into any matter, you will send me official minutes of that inquiry.

4.—Whenever a joint investigation takes place, you will detail one of your clerks to be present and draw up official minutes; to this record you will procure the signature of the Consular functionary, who takes part in the inquiry, attaching your own also; you will forward a copy of the record to me, and send a Chinese version to the Superintendent, supplying me with a copy of the Chinese version also.

5.—In giving effect to these instructions, you will please to remember that what I require is, first, early information, and next, full and correct details in a formal and official shape.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 4 OF 1872 (FIRST SERIES).

**Vienna Exhibition, 1873, Customs collection for, instructions
regarding nature and preparation of.**

INSPECTORATE GENERAL OF CUSTOMS,
SHANGHAI, *3rd August, 1872.*

SIR,

1.—In my Circular No. 24 of 1870, I informed you that articles certified to be for the Austro-Hungarian International Exhibition

of 1873, are to be exempted from duty when shipped from Chinese treaty ports.

2.—I do not know to what extent intending exhibitors have come forward, but I fear, that, on the Chinese side, apathy, and, on the foreign, the difficulty of doing anything considerable, will have severally tended to make a creditable display impossible. In order that China may not be wholly unrepresented on so interesting an occasion, and by the special invitation of the Austro-Hungarian Government, the Offices of the Inspectorate are to supply samples and specimens of articles of trade and commerce, with statistical tables exhibiting the movement of commerce and navigation at each port during the last ten years. That there is room for such a contribution, may be seen from the Official Programme, of which the VIIth article is as follows:—

“VII.—To show the international exchange of products, a representation of the commerce and trade of the world will be formed. For this purpose samples and specimens of the articles of trade and commerce of all the important harbours and sea-ports are to be exhibited.

On each sample will be marked its origin, its destination, its price and value, the quantity of import and export, etc.; along with these will be shewn statistical and graphic tables, the movement of the navigation and commerce of each sea-port during the last ten years.”

3.—I have accordingly to request your co-operation in this matter, and I trust that you will use every effort to form a complete representation of the commerce of your port, as carried on in foreign bottoms, and arrange the specimens in an interesting and intelligible manner.

4.—You will observe the following order in your arrangement:—

- A.—Specimens of Imports from other than Chinese ports;
- B.—Specimens of Exports to other than Chinese ports;
- C.—Specimens of Native Produce shipped for Chinese ports.

In arranging these specimens you will follow the order of the Chinese version of the Tariff, in which commodities are grouped in classes. In addition to marking on each specimen its number, origin, destination, value, quantity of import and export, etc., you will prepare a list for printing, shewing:—

1. The number of the specimen;
2. The Chinese characters by which it is known;

3. The local pronunciation of those characters—using Morrison's system of spelling;
4. The place of production;
5. The place of consumption;
6. The use to which the article is put;
7. The price per ;
8. The duty per ;
9. The quantity imported or exported in 1871.

The specimens from any one port are to be numbered in unbroken series from first to last; but before numbers referring to samples of the first division, you will place the letter *A*; before those referring to the second, the letter *B*; and before those referring to the third, the letter *C*.

5.—While the success of the efforts will depend, for your port, mainly on yourself, the collection and arrangement of samples and specimens will have to be confided chiefly to the senior Examiner; you may state to him that, in addition to whatever mark of recognition the Commission may confer (§ XIV.), a reward, varying in proportion to the excellence of the collection, of from one to three months' pay, will be issued to him from this office.

6.—The plan to be adopted for the exhibition of specimens is a point on which it is difficult to give instructions: whether it would be best to use glass bottles—or large cases with glass tops—or standing frames, pigeon-holed, with glass fronts,—must be determined by circumstances and the nature of the objects to be exhibited; further, whether such objects are at once to be put in such bottles or cases here, or are only to be arranged in some recognisable order here, and put in cases, etc., on arrival in Vienna, must also be determined hereafter. Moreover, the question of the expense of making such collections is one on which little or nothing can be said beforehand: it is, however, supposed that sufficient quantities of the various articles to serve as samples and specimens, can be obtained locally for nothing from the respectable merchants who trade in them. Of each article sold by weight—such as sugar—from a quarter of a catty to a catty, will suffice; of each article sold by measurement, a yard of the whole width will suffice; and of liquids, from a pint to a quart will, in each case, be enough. It will also be necessary to estimate and state what superficies the collection would probably cover if in cases fixed against a wall, and what, if laid out on tables.

7.—The Exhibition is to open on the first of May 1873, so that the time available for preparing this collection is but little over four months; the contributions of the Northern ports ought to be at Shanghai, and those of the Southern at Hongkong, on the 1st February.

8.—What precedes will suffice to explain in a general way what is desired to be done: probably, during the next few months other Circulars may be written on the same subject. In the meantime, I wish you to take the matter in hand without delay, and, after talking the project over carefully with the chief Examiner, set him at work at once to make the required collections; you will at the same time report to me that you have received this Circular, and that, at the outset, you have such and such views to express, or such and such suggestions to make, in order to the better carrying out of the scheme.

9.—In this connection, I think it right to point out that this will be a good opportunity for each Office to collect, for other purposes, complete sets of samples of its in-coming and out-going commodities. You will therefore direct the Examiner to collect *in triplicate*: so that, in addition to the set of specimens to be sent to Vienna, we may have one set for your own Office, and a third set for a Museum to be formed in connection with the Inspectorate General at Peking.

10.—As regards Statistical Tables, certain Forms will be drawn up and sent to each Office to fill in, at an early date.

11.—Attention is to be called to the fact that each Office is to be regarded as independent, and that the object of this Circular will be gained by independent and complete collections, shewing the commerce of each port separately. It is not what China takes or produces as a whole, with all duplicates shut out, that is wanted, but a complete set of specimens of the complete trade of each individual port. In the matter of Chinese Produce brought into port, however, it is not necessary to make any collection, for specimens of Chinese Produce shipped [C.] will adequately represent the *kind* of commodities that go from port to port in foreign bottoms, seeing that a perfect representation of *quantity* is impossible, so little can we know or find out about the junk trade. The Foreign Goods brought in, and the Chinese Produce sent to foreign countries, in foreign bottoms, form sufficiently complete wholes, and fairly complete representations can thus be produced of the branch of trade most interesting to foreigners, and indeed of the trade in China actually coming under the description of "international exchange of products."

12.—In addition to specimens of the commerce of the port, I think it may be possible to send for exhibition various articles peculiar to the locality: *e.g.* Agricultural Implements, Tools, Models of Junks, etc., etc., etc.; but as regards such things, Commissioners will do well to communicate with each other, to avoid sending duplicates. It also occurs to me, that, in the mercantile community, foreign and Chinese, you may find some persons, who, on learning that there is on foot an organised scheme of the kind I have been indicating, may be willing and able to assist, more especially by exhibiting articles of the kind this paragraph refers to: I therefore enclose a few copies of this Circular for distribution at your port.

13.—After acknowledging the receipt of this Circular, you will report to me, at the end of each month, on the progress made in the work of collection and arrangement. In conclusion, I enclose, in English and Chinese, the official programme supplied to me by His Excellency, the Austro-Hungarian Minister.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 5 OF 1872 (FIRST SERIES).

**Vienna Exhibition, 1873, Customs collection for, instructions
regarding, modified; specimens of Imports from
Europe and America to be prepared by
Shanghai Office alone.**

INSPECTORATE GENERAL OF CHINESE MARITIME CUSTOMS,
PEKING, *23rd September, 1872.*

SIR,

1.—In continuation of my Circular No. 4 of the 3rd August, concerning the coming Austro-Hungarian International Exhibition, and with special reference to its Fourth and Eleventh paragraphs, I have now to state that, on re-consideration, it has been found advisable to modify the instructions therein contained.

2.—Circular 4, paragraph 4, prescribed the following order in the arrangement of samples:—

- A.*—Imports from other than Chinese ports;
- B.*—Exports to other than Chinese ports;
- C.*—Native Produce shipped for Chinese ports;

regards the Detached and Miscellaneous Articles, you will however begin again with number one. On every sample you will mark the name of the port, thus:—

<i>Shanghai:</i>	<i>Shanghai:</i>	<i>Shanghai:</i>	<i>Shanghai:</i>
<i>A. 1</i>	<i>B. 100</i>	<i>C. 200</i>	<i>D. 1.</i>

3.—You will see, then, that Shanghai excepted, the ports are not to furnish specimens of the various commodities received from Europe and America. The Shanghai office will be required to supply samples of such goods; and to enable it to make its set complete, it will be well for each of the other offices, on the receipt of this Circular, to send to Shanghai a detailed list of the *denominations* of European and American goods received, whether from Foreign or Chinese ports, since the beginning of 1870. While offices will thus be relieved of the duty of collecting samples of European and American goods, they will be required to furnish the statistics of such goods in a form yet to be circulated, and they will likewise be required to supply samples of *A* commodities (*opium excepted*) received from African and Asiatic (not Chinese) ports, and from Australia and the South Pacific Islands: bearing in mind, however, that what is wanted, is rather current staples than exceptional curiosities.

4.—The Shanghai office will supply labels or dockets of uniform size and appearance for the specimens.

5.—Each office may expend the sum of Two Hundred Taels in collecting *A*, *B*, and *C* samples, and One Hundred Taels in procuring *D* specimens. Additional *D* specimens, which may seem worth purchasing officially, ought to be specially written about in order that funds may be specially authorised. You will transfer this amount, Tls. 300, from Account A. to Account D., and account for its eventual outlay in the latter.

6.—It will be well for each Commissioner to send a Circular letter to each other port, naming the articles which he supposes will be sent from his own port under the *D* heading; in this way duplicates may be kept from multiplying and funds be first economised, and then more advantageously applied. Copies of such Circulars ought to be sent to this office for my information.

7.—In packing the samples, I hope you will try to place them in the very cases in which they are to be exhibited, so that, by previous precaution, the trouble of subsequent arrangement at Vienna may be reduced as much as possible.

8.—In finding samples of Foreign commodities received from Asiatic (not Chinese) and African ports, and from Australia and the South Pacific Islands, it will be such outports as Amoy, Swatow, Ningpo, and Chefoo, that may be expected to send forward the most complete collections. The Commissioners at those ports are requested, therefore, to make their *A* collection as complete as possible, just as the Commissioner at Shanghai, who alone is to provide samples of European and American goods, is looked to for the completeness of that part of the representation of the international exchange of products.

9.—When you next address me on this subject, I request you will endeavour to give me such information respecting the space your samples, etc., will require in the exhibition, as shall enable me to secure the necessary space for all.

10.—In a separate despatch I shall reply to despatches received from your office on this subject, and you will find in it answers to your special enquiries and remarks.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 9 OF 1872 (FIRST SERIES).

Vienna Exhibition, 1873, Statistical Tables to accompany Customs collection, forms for and instructions regarding.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *4th November, 1872.*

SIR,

* * * * *

12.—The Returns now ordered to be prepared do not, of course, pretend to give the statistics of Chinese Commerce generally. Of native trade in the interior, and the movement of native produce and foreign goods along the coast in Chinese junks, we know nothing; all that we can attempt is to give figures to illustrate the trade which is carried on with foreign countries and along the coast in foreign bottoms, and to so manipulate those figures as to show

the same subject from the various points of view most interesting to the public, and in the various divisions and groups into which existing circumstances naturally divide it. But even the attempt to show the international exchange of products is crippled by the fact that neither Macao nor Hongkong collect or publish statistics: those places are neither producers nor consumers, but in addition to being convenient distributing entrepôts for legitimate trade, they are unfortunately the equally convenient head-quarters of another kind of trade which cannot well be elsewhere brought to account, so that we have to dismiss the subject by stating that the statistics of legitimate trade are correctly given in the Chinese Customs' Returns, and that the other statistics necessary to complete a return of the international exchange of products are not obtainable.*

I am, etc.,

(signed) ROBERT HART,

I.G.

* Between 1867 and 1905 the Customs Service took the leading part in the getting together and arranging at no fewer than 25 international exhibitions the collections illustrating China's arts, industries, and trade. These exhibitions were held at Paris (1867, 1878, 1889, and 1900), Vienna (1873), Philadelphia (1876), Melbourne (1880), Amsterdam (1883), Nuremberg (1885), Barcelona (1887), Brussels (1888 and 1897), Madrid (1892), Chicago (1893), Lyons (1894), Antwerp (1894), San Francisco (1894), Atlanta (1895), Nashville (1897), Omaha (1898), Glasgow (1901), Hanoi (1902), Osaka (1903), St. Louis (1904), and Liège (1905). Catalogues of the Chinese exhibits at several of the above exhibitions will be found in the Customs publications, Miscellaneous Series.

TONNAGE.

1 FOREIGN SHIPPING: Return of Vessels entered and cleared at the sixteen Treaty Ports.
Tonnage.

	1862.		1863.		1864.		1865.		1866.		1867.		1868.		1869.		1870.		1871.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
Entered																				
Cleared																				

2 FOREIGN SHIPPING: Return of Tonnage as divided between Foreign and Home Trade.
Tonnage.

	1862.		1863.		1864.		1865.		1866.		1867.		1868.		1869.		1870.		1871.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
Entered:—																				
From Foreign Ports.....																				
" Home "																				
Cleared:—																				
For Foreign Ports																				
" Home "																				

NOTE.—For "Foreign" read not Chinese.
For "Home" read Chinese.

3 FOREIGN SHIPPING: Return of Tonnage as divided between Sailing Vessels and Steamers.
Tonnage.

	1863.				1865.				1867.				1869.				1871.			
	Ships.		Steamers.		Ships.		Steamers.		Ships.		Steamers.		Ships.		Steamers.		Ships.		Steamers.	
	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
Entered:—																				
From Foreign Ports																				
Cleared Home "																				
For Foreign Ports																				
" Home "																				

NOTE.—The object of this Return is to illustrate the growth of Steam traffic and the substitution of Steamers for Ships in the China trade.

4 FOREIGN SHIPPING: Return of Tonnage as divided between Foreign Flags.
Tonnage.

	1863.		1865.		1867.		1869.		1871.	
	Vessels.		Vessels.		Vessels.		Vessels.		Vessels.	
	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.	Tonnage.
British										
American										
French										
Swedish and Norwegian										
Russian										
German										
Danish										
Dutch										
Spanish										
Belgian										
Italian										
Austrian										
Non-Treaty Powers										

NOTE.—The Treaty Powers are arranged according to priority of Treaty. The figures placed alongside each are the years in which they negotiated Treaties with China.

VALUES.

$\frac{1}{\text{Values.}}$ Total values of Commodities in Foreign bottoms, arriving at and departing from Treaty Ports.

	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.
Imports										
Exports										

NOTE.—Under Imports are included values of commodities arriving from both Home and Foreign ports; Exports also include commodities sent to both Home and Foreign ports. That is to say, this Return shows that commodities valued at Haikuan Taels ... left, and commodities valued at Haikuan Taels ...

The Haikuan Tael may be regarded as of the following values:—

Tls. 3 = £ 1 = Francs 25 = Thalers.

$\frac{2}{\text{Values.}}$ Total values of Commodities as divided between Foreign and Home Trade.

	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.
Foreign Goods Imported										
Native Produce										
" " Exported to Foreign Ports										
" " " Home Ports										

NOTE.—This Return gives Gross values.

7 HOME
Articles. FOREIGN RE-EXPORT TRADE: Total quantities of principal articles of Native Produce arrived in Foreign bottoms at Treaty Ports, and subsequently re-shipped for exportation to Foreign countries.

DESCRIPTION OF GOODS.	CLASSIFIER OF QUANTITY.	1867.		1868.		1869.		1870.		1871.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Vide "Returns, Part I., abstract of 'Trade.' (Exports.)											

8
Articles. HOME EXPORT TRADE: Total quantities of principal articles of Native Produce exported in Foreign bottoms to Chinese Treaty Ports.

DESCRIPTION OF GOODS.	CLASSIFIER OF QUANTITY.	1867.		1868.		1869.		1870.		1871.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Vide "Returns, Part I., abstract of 'Trade.'"											

NOTE.—This Table gives the principal articles of Native Produce sent in Foreign bottoms from one Treaty Port to another, not being Re-export (6 articles.)

4 TRADE IN FOREIGN BOTTOMS: Total Collection of Revenue on
Revenue. Foreign Trade as divided between the sixteen Treaty Ports.

	1862.	1863.	1864.	1865.	1866.	1867.	1868.	1869.	1870.	1871.
Northern Ports { Newchwang ..										
Tientsin ..										
Chefoo										
Yangtze Ports { Hankow										
Kuikiang										
Nanking										
Chinkiang										
Southern Ports { Shanghai										
Ningpo										
Foochow										
Amoy										
Tamsuy										
Takow										
Swatow										
Canton										
Kiungchow ..										
TOTALS										

POPULATION.

1 Statistics concerning Population of Treaty Port Provinces.
Population.

	SQUARE MILEAGE.	NUMBER OF PREFECTURAL CITIES. (FU.)	NUMBER OF DISTRICT CITIES. (HSIEN.)	POPULATION ESTIMATED AT	PHYSICAL FEATURES: 1. Moun- tainous or Flat; 2. Internal Communi- cation— Land or Water; 3. Riverine or Seaboard.
Shingking					
Pecheli					
Shantung					
Hupei					
Kiangsi					
Kiangsu					
Chekiang					
Fuhkien					
Kuangtung					

2 Statistics concerning the Population of the Treaty Ports.
Population.

	Chinese Population at		British.	American.	French.	Swedish and Norwegian.	Russian.	German.	Danish.	Dutch.	Spanish.	Belgian.	Italian.	Austrian.	Non-Treaty Powers.
	Port.	Prefecture.	Firms.	Individuals.	Firms.	Individuals.	Firms.	Individuals.	Firms.	Individuals.	Firms.	Individuals.	Firms.	Individuals.	Individuals.
Shingking: Newchwang															
Pecheli: Tientsin															
Shantung: Chefoo (and Têngchow)															
Hupeh: Hankow															
Kiangsi: Kiukiang															
Kiangsu: Nanking															
Chinkiang															
Shanghai															
Chekiang: Ningpo															
Fuhkien: Foochow															
Amoy															
Tamsuy (and Keelung)															
Takow (and Taiwan-fu)															
Kuangtung: Swatow (and Chowchow-fu)															
Canton															
Kiungchow															

Firms, i.e. Mercantile Houses.

Individuals, i.e. Men, Women and Children of all classes and professions residing ashore or afloat or employed in coasting steamers, but not including the crews of ships of war or vessels trading to foreign ports.

CIRCULAR No. 7 OF 1873 (FIRST SERIES).

Native Produce reshipped coastwise after twelve months, to pay duties again.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 14th May, 1873.

SIR,

1.—A question recently arose at Chefoo concerning Native Produce imported, which had been more than a year in port. When referred through the Commissioner to me, I replied, that, in accordance with the Rules enclosed in my Circular No. 8 of 1861, Native Produce which has paid Export Duty and is accompanied by a proof of payment of Coast Trade Duty, is ever after free from liability to Export and Coast Trade Duties, and that the year's limit applies only to Native Produce re-shipped for export to a foreign country. The question was at the same time referred through the Taotai to the Yamên, which replied, that, in accordance with Art. 44 of the Danish, Art. 34 of the Belgian and Art. 30 of the Austro-Hungarian Treaties, Native Produce, when re-exported coastwise, is to again pay Export and Coast Trade Duties if more than a year intervenes between the dates of arrival and re-shipment.

2.—Having communicated my reply to the Yamên and requested that the point might be reconsidered, I have now received the Yamên's instructions maintaining its interpretation of the Treaty Articles referred to, and repeating its order respecting the liability of Native Produce to further payments of duty. I have accordingly to inform you that the Regulations published in 1861 (Circular No. 8) are to be regarded as modified by the Danish, Belgian and Austro-Hungarian Treaties, and that Native Produce re-shipped coastwise after having been a year in port, has again to pay Export and Coast Trade Duties.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 9 OF 1873 (FIRST SERIES).

Chinese-owned Vessels of Foreign type, Shipping Rules for.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 14th June, 1873.

SIR,

1.—Now that Chinese merchants begin to form Steamboat Companies for Coast traffic, it is time to supply you with the rules

to be observed by them. These rules, [Chinese Shipping Rules in contradistinction to Regulations affecting Junks], were originally drafted by myself and, accepted by the Yamên, were subsequently slightly modified by Tsêng-Kuo-Fan, then Imperial Commissioner and Viceroy of the Two Kiang. When I first brought the matter to the notice of the Yamên in 1861-62, Chinese merchants were not at liberty to own vessels of other than certain fixed types; but although I, in time, found admittance and support for my suggestions, and, eventually, in 1867, publicity for the permission granted to own vessels of the foreign type, and authority for provisional regulations under which, for the special protection of their Chinese owners, they were to ply, it was not till towards the end of 1872, nor till long after the Government had itself established dockyards for the construction of foreign-like vessels for public purposes, that the permission to depart from old custom began to be openly availed of by Chinese merchants. The removal of the Bean-trade prohibition in 1862, had deprived junk-owners of one of their most profitable monopolies, and the subsequent growth of Steam-traffic on the Yangtsze, with the branch lines feeding it and fed from it on the coast, increased the difficulties of their position. The permission that was obtained for the change some eight or ten years ago, and the necessity for a change which the gradual disappearance of junks had since demonstrated, have latterly been effectively and opportunely supplemented by the action of the present Imperial Commissioner for the three northern ports, Li-Hung-Chang, the Governor-General of Pecheli. The beginning made under his auspices is already acquiring momentum, and will prove by no means the least powerful of the agencies at work to promote the adoption of the improvements and appliances of western civilisation.

2.—The Chinese Shipping Rules, as modified by Tsêng-Kuo-Fan and issued by the Yamên in 1867, will be found in the first part of the enclosure. You will see that they are divided into Four sections. The First comprises twelve rules, and treats of formalities to be observed in the purchase of vessels from foreigners or in the construction of vessels of the foreign type; the Second comprises four rules, and treats of the ports to be traded at, the port regulations to be observed, shipment and discharge of cargo, and payment of dues and duties; the Third comprises five rules, and has reference to disciplinary measures affecting the crew, and more especially such of them as are not Chinese; and the Fourth comprises three rules, and treats of penalties generally.

3.—A glance at these Shipping Rules will show you that the Commissioners of Customs may have to perform many duties in connection with the transactions for which the Four sections make provision. To call attention to each would be to introduce much of the text of the enclosure into the body of this covering despatch; I shall therefore content myself with pointing out that Commissioners are expected to help Chinese to procure good vessels and to select properly qualified foreigners to assist in their navigation, and that the vessels are to trade at the same ports, obey the same harbour and revenue regulations, and pay the same dues and duties as vessels under foreign flags. In the matter of penalties, and in the general treatment of the vessels and their affairs, Commissioners are to act in consultation with the Superintendents.

4.—In the second part of the enclosure you will find a copy of the Yamèn's reply to some queries of mine, from which you will see that the duties collected on Chinese Shipping are to be reported separately,—that the Registration Fee, amounting to Three Hundred Taels, is to be divided equally between the Tsung-li Yamèn and the Superintendent's and Commissioner's offices,—and that vessels thus registered, when freighted with Tribute-Rice for Tientsin, are to have certain privileges in the shape of exemption from duty.

5.—As regards the reporting of duties collected, a form and instructions will soon be issued; meanwhile, you will keep the duties paid by Chinese Shipping,—whether Import, Export or Coast Trade Duties, or Tonnage Dues,—separate, and not add them to the general totals of duties reported in the Inspector General's Returns.

6.—As regards the Registration Fee, One Hundred Taels will be handed to you by the Superintendent whenever a Register is issued; you will treat the amount as a *D.* item [2. Fees and Special Moneys:—Fees on Licenses, etc.] The other Two Hundred Taels are not to appear in your accounts.

7.—As regards the exemption from duties to be enjoyed by vessels freighted with Tribute-Rice for Peking, it is to be noted—

	Ningpo	}	and
1°. that it is only the Custom Houses at	Shanghai		
	Chinkiang		
Tientsin that are to grant such exemptions; and			

- 2°. that the exemptions only apply to original Chinese Exports (*i.e.* Chinese Produce shipped for the first time and liable to a charge for full Export Duty) and original Chinese Imports (*i.e.* Chinese Produce arriving for the first time, and liable to a charge for Coast Trade Duty). The exemption does not affect goods of foreign origin, whether manufactures or Opium, or Chinese goods that have already paid

a Coast Trade Duty. The

Ningpo Shanghai Chinkiang	}	office will
---------------------------------	---	-------------

issue special lists of the goods there exempted from Export Duty, and the Tientsin office will take such lists for its guide and exempt the same goods from Coast Trade Duty. As regards the lists to be made

Ningpo out at Shanghai Chinkiang	}	the Office there is to be guided, in
--	---	--------------------------------------

its exemptions, by the quantity of Tribute-Rice carried by the vessel; the Rice is to be regarded as composing Eight-Tenths of a whole, and the other Two-Tenths will be the exempted goods—that is to say, if a vessel has 800 packages of Rice on board, she is to be allowed to carry, free of duty, 200 packages of Chinese produce of equal size. It is the same rule that holds in respect of Rice junks, and

Ningpo at Shanghai Chinkiang	}	the exact method of applying it can
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be easily ascertained. Exempted goods found to be unsaleable at Tientsin, are again to be exempted, if re-exported from Tientsin, at Chefoo and Niuchuang, on the production of a Tientsin Special Exemption Certificate.

8.—The Company already organised and in operation at Shanghai, owing to its connection with the transport of Tribute-Rice and the constitution of its Board of Directors, has more or less of an official character. Its house-flag, I am directed to state, has for device a couple of blue fish on a red ground.

9.—It only remains for me, in conclusion, to request that, in taking action under these rules, you will keep in view the same end which was aimed at when they were first proposed, the substitution of better appliances for inferior ones; and that, as far

as action is called for, you will endeavour to promote and protect the interests of Chinese merchants embarking in these new enterprises, and assist them to guard against loss and to make the change pay. There will necessarily be mistakes made and losses sustained at the start, but time will set things right.

I am, etc.,

(signed) ROBERT HART,
I.G.

ENCLOSURE.—PART I.

Shipping Rules for Chinese-owned Vessels of Foreign Type.

大清欽命總理各國事務衙門

爲

創行事同治六年九月初六日准上海通商大臣會來文以通商各口華商如有租雇外國火輪夾板等船或購買或仿造以便裝載現已核定章程通行各口試辦如有於商情滯礙之處准由商戶呈明酌辦等情並將刊本章程咨送前來相應將原章程四款抄錄創行總稅務司查照可也切切特創計抄單壹件

右創按察使銜總稅務司赫

准此

同治 陸 年 玖

月 貳拾肆

日

華商置用火輪夾板等項船隻章程

第一款領繳單契牌照

一凡有華商欲買夾板等船應赴本口監督衙門稟明由監督詳查本人實屬華民並無假借等弊即發買船准單內將華商姓名籍貫註明發該商執領前赴新關由稅務司掛號在准單空白內照填英文發還該商承買倘買船後復經查出假借等情即將該船入官

一凡領准單者遇有合式船隻先應由稅務司派人前赴查明實係能出海堪用之船俟議明價值帶同賣主赴該國領事官衙門將准單呈驗由該領事查明並無假冒借名等弊即准立據將船契畫押蓋印發交華商收領其原領外國船牌由領事官立即查銷

一凡領船契者應赴新關由稅務司查驗掛號將該船寬闊若干噸數若干及本船式樣詳細開單請由監督將船牌照填註送回照填英文發給華商收執一面飭繳牌費銀叁百兩

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一 凡船倘係會館置買請領准單船牌等件應由會館首事料理

一 凡華商日後欲將船隻轉賣倘係賣與外國人須赴關報明將船牌呈繳由原領之關查銷倘賣與別華商應
 帶同買主赴監督衙門稟明核准寫立賣契一面將原牌繳回換領新牌

仍用原
號原名

註英文

一 凡華商如有情願自造夾板等項船隻亦應一律先赴監督衙門請發造船准單赴關填註英文俟船造畢由
 稅務司派人勘量開具清單照請發給牌照

第二款 來往進出輪納稅鈔

一 凡有華商夾板等船請領牌照者准赴外國貿易並准在中國通商各口往來不得私赴沿海別口亦不得任
 意進泊內地湖河各口致有碰壞船隻事

一 凡船進口時須將船牌等件呈存稅務司出口時領回至何處泊船如何起下貨物請領准單呈具報單一切事宜均照洋船定例辦理

一 凡船所裝貨物均照洋商稅則納稅其船鈔照納

一 凡結底應由各口稅務司將此等船隻完稅若干分款開列由總稅務司轉報

第三款雇用工人

一 華商買用此等船隻所用管船夥長應用華人以期易知中國各項法度方可爲一船之主

一 凡有外國人受雇充艙工者須先將本國考驗可充艙工之據呈由稅務司驗明俟雇定後即由稅務司將該艙工係何國人何姓名並受雇月日註明船牌如日後更換宜將辭工之日添註

一 凡艙工須照洋船規矩在船記事簿內按日註明經過之事

一 凡華商夾板等船須立水手名單內將各水手姓名籍貫年歲工銀註明倘雇有外國人充當水手須帶赴領事官或稅務司畫押受雇

一 船出口之後如水手人等有不法者即由艙工將其捆押俟進口交稅務司轉送監督或領事官分別辦理

第四款違章罰辦

一 凡有華商買用夾板等船未遵以上各章應由監督會同稅務司先將船扣留按情罰辦

一 凡華商夾板等船違犯洋商船隻應遵條約載明各章即由監督會同稅務司酌量將此船一體罰辦

一 凡有起下貨物違犯該關章程即由監督會同稅務司酌定或將貨入官或將該商議罰

ENCLOSURE.—PART II.

Duties Collected on Chinese Shipping: Special Rules
to be Observed with regard to.

大清欽命總理各國事務衙門

劉復事同治十二年正月二十三日據總稅務司申稱查同治六年九月二十四日奉到劉文內開所有華商夾板火輪各項船隻置買造辦並來往起下納稅章程飭爲轉飭各口稅務司遵照辦理在案竊思此事爲貴衙門之義舉多年置之未辦華商失利不少去歲上海已設招商船局始所期望者其利既開則日後可漸得者其勢必旺現在置造輪船已有數隻迨至時愈久而船愈增沿海之貿易者自必漸次變移可言恢復矣其原訂之章程註明此等船隻祇准通商各口來往進口時起下貨物完納稅鈔一節均須前赴各海關稅務司憑洋商稅則按照該口章程辦理如此則開辦時不致有蒙混之處卽日後倘查有未妥處亦可隨時更正惟各華商船隻完納稅鈔每逢結底應否將其數目歸洋稅各款清摺同行申報抑或另備清摺專行造報此事尙未經訂有章程其各船所納牌費一事應歸何處亦未訂章其牌費現擬按罪款一分呈送貴衙門一分交存該關監督一分歸總稅務司辦公其稅鈔數目或一體同爲申報或另行備摺造報申送之處均可此兩事應如何辦理合行備文申請貴衙門酌奪並祈示覆遵行等因前來本王大臣查編入商局之輪船夾板船無論置買造辦既經商局承運其往來通商各口起貨下貨完納稅鈔均照同治六年章程及通商稅則一律辦理內惟裝運漕糧仍按沙衛船舊章准免二成貨稅並各省巡海輪船勿庸完納稅鈔外如此區畫分明自無蒙混之虞至徵收各船稅鈔應於結底另款開報不必與洋稅牽併以清眉目所議牌費分別歸公之處應准照辦仍候分咨

南洋通商大臣轉飭各關監督一體遵照可也

右劉布政使銜總稅務司赫

准此

同治 拾貳 年 叁 月 初壹 日

CIRCULAR No. 13 OF 1873 (FIRST SERIES).

Superintendents of Customs, position of, *vis-a-vis*, and relations to, Commissioners.INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 8th September, 1873.

SIR,

1.—I have to call your attention to two points, concerning which it is made apparent by Commissioners' despatches that explanations and instructions are wanted.

2.—I observe that the Superintendent of Customs is constantly spoken of as "His Excellency, the Superintendent of Customs." The words "His Excellency" are out of place here, and the use of them ought to be discontinued: the position of a Taotai or Hoppo is, of course, a high and distinguished one, but it does not entitle him to be styled "His Excellency," and the Chinese mode of address *Ta-jên* does not necessarily become "Excellency" in English. I have accordingly to instruct you, when writing about the Superintendent of Customs, to style him simply "the Superintendent of Customs," and to discontinue the use of the words "His Excellency." Whether the official at your port is a *T'ung-shang Taotai* without territorial duties, as is the case at Tientsin,—or a *Ti-fang-kuan*, as is the Taotai, with territorial in addition to Customs duties, at Shanghai,—or a Military Officer appointed to act as Deputy-Superintendent by a Tartar General Superintendent-in-chief of provincial Customs, as is the case at Amoy,—or a civilian Deputy-Superintendent appointed jointly by a Governor General and another high officer in charge of provincial Customs, as at Swatow,—or a high officer holding a special Imperial Commission, as at Canton; he is to be spoken of, as a rule, as "the Superintendent of Customs at....." and is not, in any case, to be styled "His Excellency." The word "Deputy" ought to be used only to designate the *Wei-yuen* deputed by a Superintendent at a port as above described, and as found to exist, for instance, at Tientsin.

3.—I have moreover observed that Commissioners frequently say "The Superintendent has *ordered me* to do so and so." Now I beg it may be noted that the Superintendent does not *order* a Commissioner. By the Service Rules, the Superintendent and Commissioner act conjointly [*hui-t'ung*], and although the Superintendent is the one of the two who is to decide which course is to be followed when the opinions of the two differ, he does not *order*

and *is not to be spoken of as ordering* the Commissioner. When writing to others than myself, it is still more important to keep this in view: you are not to say "I have received the Superintendent's orders to do so," or "I am directed to say so and so," or "the matter will be referred to the Superintendent." To write in this way places Commissioners in a false position before Consuls and public, and something far short of it must be adopted even where you wish to keep back your own personality and push the Superintendent conspicuously to the front: where you write yourself, it is not necessary to mention the Superintendent at all, and the Superintendent will go to the front quite sufficiently when it becomes necessary for him to address a Consul. Instead of saying you will "refer the matter to," it will be better to say you will "consult with" the Superintendent, and instead of saying you have "received the Superintendent's orders" it will be better to say "after consultation with the Superintendent, the decision arrived at is to etc."

4.—I cannot pretend to write at such length as to give you the words to be used on all occasions, and I have now said enough to explain my meaning: which is, that you are required to cease the use of the words "His Excellency," for they only place a Superintendent in a ridiculous position, and, in your communications with the public, to discontinue the use of the other kind of language commented on, and of language generally which tends in any way to suggest the idea that you are the subordinate, or under the orders of, your colleague, the Chinese Superintendent at the port.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 14 OF 1873 (FIRST SERIES).

Transit Dues, refund of, settlement of questions regarding.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 25th September, 1873.

SIR,

1.—Two questions have been raised respecting the right to recover Transit Dues paid on foreign merchandise, with the settlement of which you ought to be made acquainted.

2.—A Hankow firm sent its goods into the interior under a Transit Certificate. The goods proved unsaleable and were subsequently brought back to Hankow. Along the return route, *Lekin* was demanded and paid. The firm desired:

- 1°.—to recover the amounts paid along the return route; and,
- 2°.—*a.* to recover the *Sycee* paid originally as Transit Dues, or
- b.* to procure a Transit Drawback to enable them to send *other* goods inland without further payment, or
- c.* to send the *same* goods inland on a second trip without further payment.

It was held, in reply:

- 1°.—that a Certificate protects from a port to a place, and that, the place named reached, the Certificate has accomplished the end for which it was issued, and is consequently no longer of active value: along all subsequent routes, the return route included, *Lekin* is therefore legally leviable, and the amounts so paid are not to be refunded; and,
- 2°.—that the original payment of Transit Dues was made to enable certain goods to go from a port to a place without further taxation, and that, that done, nothing that afterwards happened could entitle the firm either to recover the *sycee* originally paid, or to send the same or other goods inland without further payment of Transit Dues.

3.—A Chinkiang firm paid Transit Dues, and subsequently applied for their refund on the ground that the merchandise had been otherwise disposed of and had not been sent into the interior.

On this point it has been decided that Transit Dues, once paid, are not to be refunded whether in kind or by Drawback: it is for the merchant to protect his own interests, and that he can easily do by deferring the payment of Transit Dues till his goods are actually on the point of leaving the port for a place inland.

4.—You will be guided by what precedes in your future treatment of the same or similar questions.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 15 OF 1873 (FIRST SERIES).

Training of Subordinates, concerning the duty of.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, *6th October, 1873.*

SIR,

1.—There is one part of a Commissioner's work to which I wish to call your attention: namely, the training of subordinates.

2.—Commissioners have occasionally complained to me of want of knowledge of work on the part of subordinates: on the other hand, I have frequently noticed that subordinates are very much left to themselves, and that effort is not always made to divide the work in any systematic way, or to instruct subordinates in the right performance of the duties which fall to them. It is useless to expect a young man on first joining the service to understand or know how anything is done, and it is almost as vain, under present circumstances, to expect a clerk of several years standing, transferred from one port to another, to know at once how work is done or what he has to do in the new office just joined. Each man requires some general training to start with, and some special instructions at subsequent stages; all that the head of the Service can do, on giving a man his first appointment, is to ascertain that he is fairly qualified for entering on clerk's work,—that is, for learning the specialties of a clerk's work in the Customs: once posted to a port, it is for the Commissioner there to see that he is trained to perform every kind of work done in that office.

3.—The point of first importance at each port is that Commissioners should themselves thoroughly understand the calls that are made on their own offices and the practice of the port: they ought next to schedule and classify the work, and divide it, at once intelligently and intelligibly, between so many men. They ought then to see that the newly-joined clerk is put through the whole work of the office, and not kept to merely one kind of it: this done, whenever a man is transferred to another port, local peculiarities allowed for and special instructions given, he will soon be at home in any work he is set to. The right thing at most of the ports, more especially those at which there are three or four clerks, would be to change the desks each quarter, and, in that way, each clerk would have three months for each division, and would go through the whole of the office work every year; at the larger ports, where there are five or six clerks, a change might also be made every quarter,

so as to render it possible for any one who is kept eighteen months or two years at the port to learn all the work. At Shanghai the business is, perhaps, too heavy, and the public too exacting, to admit of such changes: the man who does the work of a particular desk well, and who knows its history, is best kept at that desk, but training ought also to be there attempted and might be tried with men on first joining, for the new-comer could be made to do a week's duty, say, as an assistant clerk, at each desk in turn, and thereby gain a knowledge of the general routine of the office and the special work of each desk, before being set apart to take charge of and conduct any particular desk unaided.

4.—It is therefore to be understood for the future that this work of training is to be attended to, and that Commissioners are not only expected to see that the work of their own offices goes on smoothly and efficiently, but are liable to be blamed if a clerk transferred from theirs to another port is found to be ignorant of any division of ordinary office work.

This part of a Commissioner's work—this training of clerks—is of immense importance to the public, to the Service and to the individuals, and, now that special mention is made of it, it is trusted that it will be carefully attended to.

5.—As soon as may be convenient after the receipt of this Circular, you will report to me on the working of the office, detailing the kinds of work to be performed, and showing how they are proposed to be distributed among the clerks, taking it for granted that the offices have, in addition to a Commissioner, the following effective members of the In-door Staff:—

Shanghai	:	1 Deputy Commissioner, and 20 Clerks.	
Canton	:	1 " " "	6 "
Foochow	:	1 " " "	4 "
Hankow	:	1 " " "	4 "
Ningpo	:	.....	4 "
Amoy	:	.....	4 "
Swatow	:	.....	4 "
Kiukiang	:	.....	4 "
Chinkiang	:	.....	3 "
Tientsin	:	.....	3 "
Chefoo	:	.....	3 "
Niuchuang	:	.....	3 "
Takow	:	.....	2 "
Tamsuy	:	.....	2 "

6.—Some time after supplying me with a report on the In-door work [which is to describe the work attended to by Linguists, Shupans and Writers, as well as that which is to be divided among the foreign Clerks], you will furnish a second report, showing the Out-door work—what is done, and how it is distributed among the members of your Out-door Staff.

7.—The object of this Circular is not to find fault with any one specially for work carelessly done or duty neglected in the past. I am looking to the future, and I am sure each Commissioner will go with me in the desire to see the office work intelligently planned, conveniently distributed, and efficiently performed: such a result will be best for the public whose work we do and whose servants we are,—for the clerks, who have to get through the work, and whose future depends on their understanding what they do and on doing it well,—for the Commissioners, to whom the conduct of the offices, and the training of the clerks, are confided,—for myself, who am responsible to the Chinese Government for men and for work—and for all of us, whether we only have regard to our own interests or take a pride in work well done and desire to make this Service well ordered and efficient.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 17 OF 1873 (FIRST SERIES).

Statistical Department, Constitution of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 27th October, 1873.

SIR,

1.—The increasing calls that are annually made on the Printing Office and Returns' Department at Shanghai, and the development and growing importance of our Statistics generally, necessitate a change from the present arrangement. I have accordingly decided to disconnect both Printing Office and Returns' Department from the Shanghai Customs, and to form of them a separate establishment, to be styled the *Statistical Department*, under the charge of a Commissioner of Customs, who is to be a member of the headquarters' staff and to be styled *Statistical Secretary*.

2.—The Quarterly and Annual Returns of Trade are to be sent by you to the Statistical Secretary for publication, and you are to correspond with him on all subjects connected with such Returns. He is, in fact, the Inspector General's Secretary *ad hoc*. The Quarterly and Annual Reports on Trade are, as before, to be sent direct to the Inspector General, Peking.

3.—The Printing Office in the Statistical Department is to supply the Custom-houses with such Forms and printed documents for official use as the Commissioners may send in Requisitions for. The Statistical Secretary will be instructed to arrange for introducing the same Forms at all the ports, and for maintaining oneness of form and similarity of appearance in Customs' documents generally.

4.—The Commissioner of Customs selected to take charge of the Statistical Department, as Statistical Secretary, is Mr. E. C. Taintor*: his address will be—

Statistical Department,
Shanghai.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 18 OF 1873 (FIRST SERIES).

Cargo Certificates, Chinese versions of, to be issued.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 5th November, 1873.

SIR,

1.—Having reference to my Circular No. 3 of 1861, in which you were instructed to send with each vessel clearing for a Treaty Port a copy of her "Daily Sheet" [Cargo Certificate], I have now to inform you that the Cargo Certificate is to be henceforth issued in Chinese as well as in English.

* E. C. Taintor (American) joined the Service as 4th Class Clerk on the 15th August 1865, served as Acting Commissioner at Tamsui from May 1868 to March 1870, as Acting Deputy Commissioner in charge of the Returns Department at Shanghai from November 1871 to March 1872, and as Acting Commissioner at Newchwang from April 1872 to October 1873, when he was appointed Statistical Secretary, a post which he filled with distinction till his death on the 16th May 1878.

2.—Commissioners occasionally consider it necessary to set aside rules, and depart from the ordinary practice of the port: they accordingly, say, allow such-and-such a vessel clearing for a Treaty Port to take such-and-such goods or packages in such-and-such a way, and they think that an entry on the "Cargo Certificate" will cover their responsibility and answer every query at the port of discharge. Were the Commissioner the sole head at each port, I should not object to this way of dealing with exceptional cases; but he is not the sole head—he has a Chinese Colleague, and, at ports of discharge, Chinese Colleagues evince a disinclination to accept Cargo Certificates with which Native Superintendents at the ports of departure have had nothing to do, and view with disfavour the attempt which they fancy they detect in it, on the part of a Commissioner at another port, to interfere with the work of the office at the port of discharge. Such suspicion and irritation, I confess, are not very reasonable: but they are facts, and must be met as such. To remedy matters, I recently proposed to the Yamên to discontinue the issue of Exemption Certificates, Duty Proofs, etc., etc., etc., and to substitute for many documents one single one—a Cargo Certificate, to be in both Chinese and English. The Yamên objects to do away with documents issued with the sanction of Treaties, but approves of the suggestion that a Chinese version of the Cargo Certificate should be issued.

3.—The issue of a Chinese Cargo Certificate will prove extremely useful. At the port of departure, it will save Commissioners from taking on them any undue responsibility, and will place the Superintendent in the position of certifying to and sanctioning all that a ship has done; and, at the port of discharge, Commissioners will be spared the trial of finding their Chinese Colleagues appearing to slight their brother Commissioners by objecting to be guided by Cargo Certificates from the ports of departure; for, arriving in Chinese and English, the one version sealed by the Superintendent and the other signed by the Commissioner, Cargo Certificates will henceforth have a value and use which the solitary English document has as yet failed to achieve for itself.

4.—The practice of sending Chinese versions of the Cargo Certificate is to be commenced on the 3rd January 1874 [11th moon 15th day]. All vessels clearing on or after that date for Treaty Ports are to be supplied with Cargo Certificates in both Chinese and English.

5.—The English version is to be prepared as before: it is to be signed by the Commissioner and is to be issued with the vessel's

Clearance; *the Chinese Version must correspond exactly in all its details with the English Version*, and ought to be made out in the same way—that is, written up from day to day, showing first the permits issued and containing notes subsequently entered to explain shut-outs, etc.

6.—The Shanghai office will issue to all the ports a form of Chinese Cargo Certificate: that form is to be adopted at all other offices. Where it is a sailing vessel that clears, the Chinese and English versions of the Cargo Certificate are to be issued together. In the case of steamers, the two versions are, if possible, to be issued together; but, if that is an impossibility, the *English Version* is to go with the steamer, and the Chinese to be sent on by the next opportunity. In every case, the Chinese version must be finished and must be compared and found to agree with the English version, before the latter is issued: the reason why the Chinese, as a rule, cannot be issued as promptly as the English version, is that the Chinese version has to be sent to the Superintendent to be sealed.

7.—The main points to be kept in mind are these:

- 1°. *the Shanghai Form is to be adopted ;*
- 2°. *the Chinese must be found to agree with the English before the latter is issued ;*
- 3°. *the Chinese must be sealed by the Superintendent before issue.*

8.—You will report to me on the steps taken by your office to give effect to the instructions of this Circular, and on your way of carrying out the details of the work in the office.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 24 OF 1873 (FIRST SERIES).

Commissioners and Superintendents, relations between.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 18th December, 1873.

SIR,

1.—Some time ago I received a despatch from the Yamên in which, among other things, I was instructed to impress on Commissioners generally the necessity of acting in concert with

Superintendents, and of avoiding as much as possible all causes of misunderstanding. Before proceeding to enlarge on the instructions I am thus to transmit, I must premise that I do not for a moment suppose Commissioners desire other than the preservation of really good relations between themselves and their colleagues, nor do I consider Commissioners and Superintendents more quarrelsome than other officials; but I cannot forget that the position of each and the relations between them are peculiar, and I have to provide for the fact, that, where position or relations are not fully comprehended, causes of offence may easily crop up, entailing steps for the arrangement of differences only too much calculated to interfere with the preservation of that harmony on which the Yamên places so much importance. I have therefore thought it right, while giving expression to the Yamên's wishes, to put before you the train of thought that follows, as one means towards securing the ends proposed. If what I have to say suggests nothing new, it will, I trust, at all events give prominence to some ways of looking at things which it is of importance to remember.

2.—It has doubtless occurred to yourself, that a Commissioner's position can be made to appear to have much about it that is unsatisfactory, and, at one time or other, you have very likely felt that what you possess is the semblance of authority rather than the reality: you have possibly felt disheartened and chagrined in consequence. Something like an analysis of the situation will perhaps do more than anything else to make the position intelligible, and prepare the way for such hints as seem calculated to aid the growth of proper relations.

3.—In the first place, we are working for a people with whom we can hardly be said to have anything in common—a people whose ideas of supremacy contrast strangely with national weakness and whose intellectual pride is as much beyond available knowledge; but who, if they have not material strength, have a curious hold on national life, and, if poor in respect of what the West styles knowledge, are indubitably rich in the possession of thrift, industry, contentment and commonplace wisdom. The opinion of those we live among, and understand so little, has very generally been that all foreigners are beneath notice, and that we of this Service are simply so many individuals who may be utilised in their dealings with our countrymen; but, whatever liking they may have for us as being their assistants, they do not by any means intend that the position should be reversed and that we should dictate to them while we draw their pay. Again, the employment of foreigners in the Customs—however usefully it works as an assistance in the

transaction of business with foreigners, or however profitably, as an instrument for the collection of revenue—is, in more ways than one, an unpalatable fact: for, although the growth of the establishment has been encouraged, yet it has, with foreign intercourse, been to some extent forced on China; and, just to the extent to which it has, not unnaturally, grown out of the defects of Chinese exclusiveness, its existence implies that Chinese officials cannot do their own work; while its relations with the Capital interfere with the freedom of official action in each Commissioner's neighbourhood. Moreover, it should not be forgotten that, sooner or later, the existence of the Inspectorate must come to an end: it may flourish, do good work and be appreciated for a time; but a day must come when the natural and national forces, silently but constantly in operation, will eject us from so anomalous a position.

4.—Bearing these preliminary observations in mind, and not losing sight of certain collateral facts,—such as that, on the one hand, the Inspectorate is the natural growth of foreign intercourse, and that, on the other, it is doing good work well for both China and the public, and has outside as well as inside support,—the text I wish to write from, and the point I am anxious you should take in and keep constantly before you, is this: *that we are here to act with and assist, and not to ignore or displace native authority*. This definition of our position, once it is understood and accepted, makes things intelligible—work becomes easier, and the worries of official life more tolerable.

5.—A Chinese Custom House is composed, so to speak, of two parts: the Executive, which collects duties, and the Recording, which sets up archives; at the head of both is the Superintendent. With the employment of foreigners, this division of parts grew into something resembling separation; for, while the chief Recording duty remained to be performed in the Superintendent's Yamên, the chief Executive work was transferred to the Commissioner's Office. Notwithstanding this appearance of separation, the establishment remains, as before, a single establishment. Commissioners are appointed to act with Superintendents: they are their colleagues and not subordinates. The Superintendent is that one of the two colleagues who is appointed directly by the Emperor, or by high native officials duly authorised by the Emperor to make such appointments, and he, as being the native official, is more prominently and more directly responsible for the proper administration of the port,—he is the native head of the divided but complementary parts of a single establishment. On the other hand, the Commissioner is the colleague appointed by, and

responsible indirectly through, the Inspector General,—he is the local, but foreign head of a local and mixed executive. The Superintendent is in many cases an official directly appointed by Imperial decree, while the Commissioner is only appointed by the Inspector General: still the Commissioner is none the less an official too, for the Yamên has the Imperial authority for the appointment of the Inspector General, and for the appointment by him of Commissioners to co-operate with Superintendents—just as certain high native Officials are Imperially authorised to appoint Superintendents. The official status of the Service is further seen in the annual grant provided by Imperial decree from the public revenue for the official support of the Inspectorate General—an office composed of the Inspector General, the Commissioners appointed by him, and the mixed Port-executives that work under them. The Superintendent is the immediate chief of a Recording staff with whose personnel and work the Commissioner has no reason to interfere; the Commissioner is the immediate chief of an Executive staff with whose personnel and work a Superintendent will seldom interfere and cannot interfere beyond a certain point. On the other hand, just as the Superintendent not only has his own recording staff in the Yamên, but has also a quasi-executive acting with the Commissioner's staff and not under the Commissioner's orders, so, too, has the Commissioner, in addition to his executive, a quasi-recording department at work simultaneously with the Superintendent's, and not under the Superintendent's orders—namely that portion of his staff which sets up the Commissioner's archives and prepares Inspectorate reports and returns. The Commissioner is through all this the colleague and not the subordinate of the Superintendent, just as a man may be a Plenipotentiary and yet only be so *ad hoc*.

6.—Directly subordinate to the Commissioner, and paid through him, are the In-door and Out-door Staffs,—Clerks, Tidewaiters, Linguists, Chinese Writers, Runners and Boatmen,—Officers, and Crews of Revenue Cruisers,—Masters and Crews of Lightships, Keepers of Lighthouses, etc., etc., etc.; while stationed in a district, these employés are completely under the Commissioner's orders, and no one save the Inspector General interferes with the Commissioner's disposition of them. Also under his orders are those other members of the executive who are at the same time members of the Superintendent's recording staff, called the *Shupan*; but, in the individual shupan, we have a man doing special and double work: not only is his speciality, as one of the executive, the calculation of duties and making out of duty-memos., but, as one of

the recording staff, he has also to keep a daily register of transactions on which all the other members of the Superintendent's recording staff work. To locate the responsibility of furnishing quick and reliable accountants where it is best known how such are to be found, it was, at the very outset of the Inspectorate, determined to procure the Shupan through the Superintendent, leaving their nomination with him, but reserving for the Commissioner the right to object to a nomination, if, in his eyes, as the constantly present and managing head of the executive, the individual should prove to work unsatisfactorily. Thus, locally, the Commissioner is manifestly the independent chief of a sufficiently distinct body of men: as manifestly, too, is he responsible for a sufficiently distinct section of local official business.

7.—What is it that the Superintendent's recording and the Commissioner's executive staff do? They transact official business, on the one hand for the Government and on the other for the public; in the transaction of that business, the one follows precedent chiefly, the other published regulations. If the Superintendent neglects precedent or the Commissioner regulations, either will soon find himself in difficulties. Where it is the Superintendent who neglects recording precedents, his action does not inconvenience the public, and, when censured for such neglect by his official superiors, his colleague, the Commissioner, will probably hear nothing about it. But, when it is the Commissioner, say, who neglects or misapplies regulations, the result—to say nothing of the extent to which it may embarrass his colleague, the Superintendent—is perhaps to inconvenience the public, and it, through its Consul, moves its Minister at Peking to address the head Office, the Tsung-li Yamên; the Yamên thereon institutes inquiries, on the one hand instructing the Imperial Commissioner to ascertain the facts from the Superintendent, and on the other directing the Inspector General to call for a report from the Commissioner. Thus it happens that, while there is no necessity for the Commissioner to know the doings or troubles of the recording staff, it is necessary for his colleague, the Superintendent, to be acquainted with the action of the executive; the fact that he is required to be ready to answer queries concerning both divisions of the work forces a Superintendent to keep himself acquainted with both, and, in itself, this fact is sufficient to give the Superintendent the precedence. But not only is the Superintendent thus seen as connected with each division of the double department, but his position must also be looked at from the point of view of personal responsibility; if the business of the department is mismanaged, the Superintendent is

liable to punishment which may be censure or may be death, whereas the Commissioner, as a Chinese official, is not liable to heavier punishment than dismissal; the personal responsibilities being of this unequal kind, the reason why the Superintendent ought to be deferred to as senior by his colleague, the Commissioner, is still more apparent. The reasons that thus exist for recognising the Superintendent's seniority,—apart from his unassailable status as a native Official on Chinese soil, and the slights that are occasionally put on his less protected foreign colleague,—are further recognised and allowed for in the arrangement, by which, whenever the Superintendent and Commissioner differ in opinion, the Superintendent's views are to be acted on till the wishes of the head Office, the Yamên, are made known. The rules and regulations to be given effect to by the Commissioner, are the Custom-house Rules of the port and the various Treaty Stipulations: guided by them he need not make a mistake in the transaction of business, however frequently he may fail to satisfy members of the public; but, departing from them, and, without reference to his colleague, allowing his own will to decide whether a rule is to be acted on or left in abeyance, he cannot get through work without being occasionally called on to explain or even defend his action. In a word, the Commissioner is at a port mainly to carry out existing rules and app'y them equally to every one. So long as he abides by rule, there is little chance of his being interfered with or harassed by even an unfriendly Superintendent. But, when the question arises,—Is a rule to be acted on or set aside?—or when a new point comes up,—How is this to be dealt with?—the Commissioner who ignores the Superintendent will sometimes arouse opposition in the friendliest colleague. Carrying out regulations, a Commissioner can act safely; setting them aside, he will get into endless difficulties.

8.—We thus have the Custom House at a port divided into recording and executive departments,—the one under the Superintendents' immediate eye, the other under the Commissioner's daily control,—the first carrying on its work as has been customary for ages, the second performing its duties along new lines marked out and defined by recent Custom-house Rules and novel Treaty Stipulations,—the whole work of the Custom House being to be answered for by the Superintendent, and the management of the executive by the Commissioner,—the Commissioner and Superintendent working as colleagues on an equal footing, but the Commissioner, an alien, ranking after, and the Superintendent, the responsible native, taking precedence. Looked at in this way, a Commissioner's duties are not unintelligible, while his position is

sufficiently well defined. Starting from this point, the transaction of business is on all sides easier; but I do not go the length of saying that an intelligible definition of the position will protect against every combination of circumstances or provide for every contingency. The idiosyncracies of individuals sometimes baffle calculation—as often, it must however be allowed, acting unexpectedly for good as for evil.

9.—Dispositions differ: this man is touchy,—that suspicious,—a third obtuse,—a fourth meddlesome,—a fifth thoughtless,—and so on, through all the range of character as the result of natural constitution, education and circumstances; when Commissioner and Superintendent are equally irritable, it is no easy task to still the storm caused by a trifling difference of opinion on some unimportant business question. It is impossible to write out beforehand rules that will apply to every possible case, or every possible combination of circumstances in the future: this is exemplified in even such a comparatively fixed matter as the collection of Tariff duties, by the new questions that are asked daily; all that can be done is to throw out some general hints, capable of expansion and wide in their applicability. Thus, in the matter of daily and separate transaction of Customs' business by the executive while there is a responsible colleague at the head of the double establishment, and in respect of harmonious action and co-operation as colleagues, there are some considerations, which, if borne in mind and acted up to, ought to make the preservation of good relations an easy possibility. For example:—

1°.—An attempt ought to be made to cultivate and maintain a friendly familiarity with the Superintendent. For the proper conduct of business it is requisite to be at least on terms of easy intercourse, and in order to give the fullest effect to the position in which each stands to the other as colleagues—the one the responsible native, and the other the invited guest-official—the more cordial the personal relations, the more easy the transaction of business: such friendly familiarity can only be secured and conserved by constant personal intercourse.

2°.—Where regulations or custom prescribe modes of action, ordinary routine work ought not to present much difficulty; but where rules fail and precedent is wanting, matters ought to be fully talked over with the Superintendent and a common understanding arrived at.

- 3°.—Nothing is so likely to make the Superintendent an opponent, instead of an assistant, as an appearance of ignoring him, and nothing is so likely to put the Commissioner in a difficulty, and in the wrong too, as an over-stepping of the lines within which he should confine his action. A Commissioner ought not to “take it upon himself” to do anything unusual; if an unusual step is demanded, and in the absence of the Inspector General’s instructions to the contrary, let it first of all be settled with the Superintendent what that step ought to be.
- 4°.—The Superintendent should be kept fully informed of all that goes on at the Office, and the Commissioner should make it a point to see him at least once a week to keep up acquaintance and talk over business.
- 5°.—The Superintendent’s responsibilities extend to both recording and executive departments; the Commissioner, therefore, ought not to take umbrage at the disposition an active Superintendent may evince to inquire into matters, or even at a Superintendent’s disposition to question or criticise the Commissioner’s action. The Commissioner, acting as Commissioner, acts officially, and his official actions are open to official criticism: where the Superintendent criticises, the Commissioner should take the criticism in good part, and should set himself either to admit his own mistake or convince the Superintendent of his,—unless indeed the simplest course, as often happens, should appear to be to take the hint and drop the matter.
- 6°.—At all times and on every side, it is to be, above all things, borne in mind, that the Commissioner and his staff are intended to act with, assist and supplement, and not to ignore, displace or replace Chinese native authority.
- 7°.—When there is any appearance of difference of opinion, the Commissioner ought to go into the matter very thoroughly with the Superintendent, and the two should together decide what course to follow. Where the difference is of a kind that cannot be settled, no ill feeling need result on either side, and

both parties can good-humouredly give way to the rule that the Superintendent's views are to be acted on till the Yamên's opinion can be ascertained.

These considerations ought to be constantly borne in mind and habitually acted on.

10.—My reasons for writing at such length on this subject are twofold: in the first place, I want to help each one to think out the situation, see it from its true point of view, take up his proper position, understand it, and live happily and contentedly in it; and, in the second, I want to preserve the interests of the Service generally from being here and there, now and again, jeopardised by mistaken action, narrow views or a too sensitive disposition. I have no desire whatever to interfere with men's private affairs, but, as Inspector General, I cannot stand by, look on, and do nothing, when a man allows his private temperament to harm the official position held by him. Commissioners owe something to the Service, and they can best acquit themselves of the debt when they perform satisfactorily the three duties into which it divides itself: one is to carry on the work of the establishment efficiently,—the second is to keep their subordinates up to the mark,—and the third is to maintain good relations with their colleagues, the Superintendents, and with officials generally. Men who cannot do all this fall short of the standard of temperament and tact required in Commissioners. Intelligence, ability and energy, I take for granted in all, and, where the desired standard is not reached, failure to come up to it results, perhaps, from exaggerated and unreasoning sensitiveness more than from a disposition to make light of the native official. But a very short experience of Commissioners' work must satisfy any one, that the attitude and action I am insisting on are necessary for the proper conduct of business under such peculiar conditions as surround us—they are even necessary for the existence of the Service, and I am sure they can be preserved if Commissioners will only be sensible, reasonable and self-contained. Do not be ready to take offence: do not slight or ignore the native authority: do not without authority go beyond the Commissioner's province: discuss matters frankly, fully and good-humouredly with the Superintendent: be content occasionally not to have the last word: remember that, although colleagues and meeting on a footing of equality, the foreigner is after all only the temporary guest, while the native is the standing and locally responsible official: recognise the fact that the foreigner is to assist, and not to displace native authority: aim generally at making things go along smoothly: avoid disputes and

seek to avoid references to Peking as much as possible: be content to let any one else get the *kudos*, so long as business is put through; and remember that the transaction of business is the main work of each office, and that business differences need not be disputes or business discussions result in loss of temper or quarrelling. By keeping these points in mind and by shaping action accordingly, Commissioners will most contribute to the preservation of good relations, to the easy transaction of business, and the stability and repute of the Service.

11.—In the earlier days of the Inspectorate, an officer in charge of a port grew dissatisfied with his position and its duties generally, when he found that he could not act as if he alone were the head of the Office; subsequently, a second got into difficulties by failing to see that a fixed and impassable line, indicating a distinct division between his and the Superintendent's provinces, is an impossibility and cannot be laid down. The first, not having all, ignored the real authority he possessed; and the second could not see things as they are, and approached business from a false stand-point. Both were wrong. The first had real authority, but he failed to comprehend the Superintendent's right to look into the affairs of the executive; the second had also a sufficiently wide range of independent action, but he was so constantly and so aggressively on the defensive against the Superintendent, that cordial relations soon became impossible. Both got into false positions, and even the routine work of their ports became a constant source of trouble. Now, had each quietly thought the matter out and realized his true position, how much simpler would work have been, how much more easily would difference of opinion have been borne, and how much less likely would have been worry and annoyance. Had the first remembered that he had a colleague, he could not reasonably have felt annoyed at that colleague's desire to know something about even matters which only somewhat remotely concerned his personal responsibilities; and, had the second remembered that it is impossible—and unnecessary too—to set up a fixed boundary between Commissioner and Superintendent, that border lines are always difficult to establish and frontier questions the most fruitful source of dispute, he would have been less ready to regard as interference what was only interest, and as meddling what was merely attention to business. In short, each Commissioner has a colleague, with whom he is expected to consult, act and preserve pleasant relations; and he must constantly remember that he is not to sap or object to that colleague's influence, for he is there to supplement and assist him, and not to displace him. At the same

time, each Commissioner has his own independent position, in which he attends to business with which Superintendents never interfere; in that position his duties are sufficiently onerous and his responsibilities sufficiently important, and, in it, he is directly responsible to the Inspector General for the proper conduct of its affairs. Even in those cases in which Commissioners are required, pending reference, to give effect to Superintendents' views, it must not be thought that the Commissioner is thereby ignored or that he has no responsibility; for the matter is, first of all, a business point about which even colleagues may differ; and, secondly, the Commissioner is required to impart his own views respecting the debated point to the Superintendent, and to let his colleague know that the responsibility of acting in such-and-such a way is the Superintendent's and not the Commissioner's, and he must take care to protect himself by at once reporting to the Inspector General that the Superintendent's action is opposed to his own views and advice; but this difference of views as to the action to be taken need not provoke either party, and need not result in irritation or unpleasantness. In many respects, the duties and responsibilities of Superintendents and Commissioners dovetail and overlap, but, in others, each, practically, has, locally, a perfectly independent position, and, in it, he is under the orders of, and responsible alone to the Official from whom he receives his appointment. A Commissioner's duties are sufficiently important to make his work interesting; his responsibilities are sufficiently heavy to make his position respectable; and his official standing is, after all, sufficiently well recognised in general matters, however often he may find his wish opposed in a particular, to warrant confidence in it. At the same time, I must again point out, that, whatever the position is, freedom in it, recognition of it, and contentment with it, depend very much on a man himself. Each man must make his own position at a port, and that position cannot necessarily be other than the result of many forces; the circumstances of one port differ from those of another, and the position a man has had at one must necessarily in some way or other differ from that which he will make for himself at another. But if one is prepared to take the good with the bad, and the rough with the smooth, remembering that neither is all anywhere good nor all anywhere bad, and is determined to make the best of it whatever may be the relative quantities of rough and smooth, he need have little fear of seeing his own susceptibilities hurt or of wounding those of his colleague. The Inspectorate has its anomalies, but these anomalies will become intelligible and yield counsel and guidance if studied and allowed for: if ignored, they will be a constant thorn in the side of the wilfully blind.

12.—Another point to be adverted to is the position and treatment of the *Wei-yüan* or Deputies sent by the Superintendents at some ports to the Offices or Examination sheds. According to Chinese ideas, a *Wei-yüan* is the representative of the man who sends him, and he is accordingly held entitled to considerate or representative treatment: besides, the representative character not unfrequently renders representatives very touchy on all questions of dignity, and forces them to take up matters (which they intend soon to drop) to keep up appearances. Now, remembering this, and also remembering that the *Wei-yüan* is sent to the Office to further the transaction of business, I do not see that objection need be taken to any activity he may display; if the right relations exist between Commissioner and Superintendent, there must be a means of conveying such a hint as shall put a stop to individual or mischievous fussiness without giving offence to the principal. With fussy and obstinate people, the surest way to call out activity—especially mischievous activity—is to oppose them; whereas the easiest way of curing the bad habit and of causing them of themselves to desist, is often what is suggested by the trite maxim, “give him rope.” But I cannot see why an active *Wei-yüan* should not be utilised when found intelligent and disposed to work; and, were I a Commissioner, I should try to utilise such—although, at the same time, I confess, I consider their presence in the Office is more likely to be a source of annoyance than to be made truly useful. A slight to a *Wei-yüan* is, however, a slight to the man who sends him, and I have known cases in which the relations between Superintendent and Commissioner were embittered by the Commissioner’s evident determination to snub or ignore the *Wei-yüan*. In these personal matters for which no rules can provide, good humour is the best guide, and friendly relations with the Superintendent will always be the Commissioner’s greatest aid in securing his position. It is a useful thing to remember that opinion and language often vary inversely as held and used by Chinese officials; vehement opposition outwardly often means inward assent, and secret obstructiveness is often the concomitant of external expressions of agreement and support. You must often consent to let a man make what appearance he likes on paper, provided he adopts your suggestions. I do not state this as approving of it, but merely to throw out a hint which may occasionally—I do not say always—prove a useful one.

13.—Lastly, there is one mistaken mode of action to which reference is necessary. Some have thought that, on the one hand, the less they are seen to consult the Superintendent, and on the

other, the more the public apply to them instead of to the Consuls, the more satisfactory will be the status of themselves and the Service. Now it is here, precisely, that the greatest danger is run. On the one hand, the Commissioner and Superintendent are colleagues, and any attempt to divide duties and interests, intended to exclude the native and natural official, is neither expedient nor feasible; while, on the other, claims which a Consul does not or will not take up for the public, are precisely those which a Commissioner ought to be the last to touch. If a Commissioner has established proper relations and keeps up a proper acquaintance with the Superintendent, he can easily see for himself, to what extent consultation may be dispensed with; but he cannot safely dispense with consultation when he either intends to depart from rule, or is insufficiently acquainted with the Superintendent. And, as regards Consuls, the public has its natural protector and advocate in its Consul, and it is a mistake for a Commissioner to put on Consular functions, or to get between the public and the Consuls. The Customs and the public come into direct contact in obvious and acknowledged ways, and no intermediary is required in the transaction of daily business; but, in special and novel cases, the Consul has to be invoked by one party or other—by the public to secure a privilege, by the Customs to enforce a decision—and he ought to be left in his position. The Commissioner ought carefully to resist any seemingly flattering attempt intended to substitute himself for the Consul, and ought to refrain from occupying the Consular position in any way; nothing will excite the suspicions or evoke the ill-will of his colleague, the Superintendent, more quickly than a readiness on the part of the Commissioner to outstrip the Consuls as an attorney for the public. A Commissioner has no business to be in such a position, and, instead of strengthening, it damages the Service generally, whenever, with Consuls as they now exist, Commissioners take on themselves the work that Consuls ought to perform between the public and Chinese officials.

14.—I must beg of you to excuse the length at which I have written on this whole subject, but I am sure you will see and approve of my object, and I trust that the end aimed at will be attained. I want each Commissioner to think out, realize, and understand his position—to work harmoniously with his colleague, the Superintendent, in that position—to avoid volunteering for work or accepting responsibilities outside his position—and to find in his work and position, satisfaction and happiness. I do not for a moment mean to say that Superintendents are never wrong, or that, where there is discord, the fault is the Commissioner's; but,

remember that, in the end, it is a Chinese Office, the Tsung-li Yamên, that is to judge, and think of what that means. It does not mean that, if argued out, an affair will be dealt with unjustly by the Yamên; but, while I know that the Yamên is anxious to see good relations preserved, the fact that, in the end, the Yamên must decide, means that we must not be surprised to find a natural tendency to believe in and support native officials,—it means that there is a native objection to being forced into the position of outwardly supporting a foreigner against a Chinese,—and it means that, such being the case, it is not good policy to invoke the Yamên's interference even where the cause is good: the Yamên will act justly, but it will not thank the successful appellant. I do not wish to be thought to say that you are to submit to any and every treatment, and be silent under either insult or wounded self-respect. On the other hand, I do wish to point out that a Superintendent's activity cannot be objected to—that difference of opinion is not insult—and that business questions must be dealt with as business questions, and kept out of the region of feeling and emotion. For the most part, Superintendents desire to be on good terms with Commissioners, and certainly they all wish to appear so: where they do dislike, too, they are much more likely to conceal dislike than their colleagues, and will probably even make a greater effort to keep up appearances, and perhaps a more successful one, considering the cold manner of a cold heart. You who have travelled and seen the world ought to be able to take broad views and to make allowances which are impossible for the man who has not. In conclusion, *you must rely on yourself to cultivate and preserve proper relations with the Superintendent: you must not look to me to force them by official intervention.* With the considerations this Circular suggests, I trust you will be able to create that kind of artificial atmosphere around you, which will admit of your breathing freely and in comfort.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 3 OF 1874 (FIRST SERIES).

Non-Resident Secretary, Mr. Campbell* appointed; to take charge of I.G.'s London Office.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 30th January, 1874.

SIR,

1.—I have to inform you that the "London Agency of the Chinese Maritime Customs Service," of which Mr. H. C. Batchelor (formerly of 155, Cannon Street, and now of 2, King William Street,) has been in charge during the last seven years, is to be closed on the 31st March 1874; on which date Mr. Batchelor's connexion with the Service will terminate.

2.—On the same day there will be opened in London, the *London Office of the Inspectorate General of Chinese Maritime Customs*. One of the Inspector General's Secretaries, to be styled *The Non-Resident Secretary*, will have charge of the new office, and, in addition to performing the special duties confided to him by the Inspector General, he will attend—as did Mr. Batchelor—to the procuring and forwarding of all official supplies: his instructions are to regard no order as official which does not bear the Inspector General's seal and signature.

The new office is to be opened by Mr. J. D. Campbell, (formerly Chief Secretary and Auditor) who, as *Non-Resident Secretary*, will remain in charge of it for some time to come.

I am, etc.,

(signed) ROBERT HART,

I.G.

* J. D. Campbell was born at Edinburgh in February 1833 and joined the Service in December 1862. He served at Peking as Chief Secretary and Auditor till October 1870, when he was despatched to London on special duty. He was appointed Non-Resident Secretary at London in January 1874 and remained there till his death in December 1907. He acted as Hart's confidential agent in Europe, recruiting and examining foreign candidates for the Service, purchasing official stores, procuring apparatus for the lighthouses built by the Service, supervising the building of revenue (and other) cruisers required by the Government, and carrying out negotiations entrusted to him. He played an important part in the parleys with the French Government for the conclusion of the Franco-Chinese War of 1884-85, and with the Portuguese Government for the Protocol of Lisbon, signed on the 26th March 1887. The Chinese Government accorded him Civil Rank of the 3rd Class (1878), Civil Rank of the 2nd Class (1882), and the Order of the Double Dragon, 2nd Division, 1st Class (1897). He also held the following decorations: C.M.G., Great Britain; Commander of the Order of the Legion of Honour, France; and Commander of the Order of Our Lady of the Conception of Villa Viçosa, Portugal.

CIRCULAR No. 7 OF 1874 (FIRST SERIES).

Goods of Foreign Origin *ex* Chinese Steamers, to
have Transit Privileges.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 24th March, 1874.

SIR,

I enclose copy of the Yamên's instructions and of the semi-official letter they were issued in reply to:

Concerning Goods of Foreign Origin brought into Treaty Ports by Chinese Steamers, and their right to Transit Privileges when thence sent into the interior:

from which you will see that the Yamên aims at placing Chinese on the same footing as Foreign Vessels in the matter of Treaty privileges, and that Goods of Foreign Origin *ex* Chinese Steamers are to have the same advantages as Goods of Foreign Origin *ex* Foreign Vessels when entering the interior—that is to say, their owners have the option of sending them inland with or without Transit Passes.

You will follow these instructions in dealing with such Goods, and you will be guided by the spirit of them in your treatment of Chinese Steamers.

I am, etc.,

(signed) ROBERT HART,
I.G.

ENCLOSURE.

致 總署總辦大人

敬啓者招商局輪船現在不但於通商各口販運往來且有前往日本呂宋諸處去者其由日本呂宋諸外洋運回之貨若入內地有應納子口稅一節是否按照洋商稅則畫一辦理抑另照華商船隻常徵辦理若照洋商稅則辦之則與洋商一律似不致偏重但內地關卡未知能允從否若另照華商船隻則須逢關納稅遇卡抽釐又較洋商未免吃虧多多究應如何飭辦之處統望示悉以便遵行專此順候

吉祺

名 另 具

十二月十九日
稅字第伍拾柒號

大清欽命總理各國事務衙門

爲

飭行事前據總稅務司函稱招商局輪船現在不但於通商各口販運往來且有前往日本呂宋去者其由日本呂宋諸外洋運回之貨若入內地有應納子口稅一節是否照洋商稅則畫一辦理抑另照華商船隻常徵辦理統望示悉以便遵行等因當經本衙門行查

南北洋大臣并函復總稅務司俟該大臣核復再行札飭查照在案茲准

南北洋大臣復稱洋商運洋貨入內地准其只完半稅沿途概不重徵商局輪船運來洋貨自應照辦同此一貨由洋船運來則復入內地只完半稅由局船運來則復入內地仍須逢關納稅遇卡抽釐是使洋商獨得便宜似非擴充商局輪船之道現在局船報關裝貨均照洋船辦法則運來洋貨復入內地應照洋商運來之洋貨一律辦理庶局船與洋船適得其平等語此項招商局輪船運洋貨入內地既據

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右 劉布政使銜總稅務司赫

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CIRCULAR No. 11 OF 1874 (FIRST SERIES).

Goods from Europe, none to be ordered except on formal requisition through London Office.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 6th April, 1874.

SIR,

1.—Having reference to Circular No. 3 of 1874:

Mr. J. D. Campbell, Non-Resident Secretary, to take charge of the London Office of the Inspectorate General:

I find it necessary to call your attention to the following points in connection with the words therein used, "his instructions are to regard no order as official which does not bear the Inspector General's seal and signature."

2.—You are not to order anything from Europe that is to be paid for from official funds except through the London Office.

3.—When you require to order anything from Europe, you are to send your Requisitions [Circular No. 2 of 1872] in duplicate to Peking, whence it will be sent on, if approved of, signed and sealed, to the London Office.

4.—Payments will be made by the London Office, and will be accounted for in the Accounts of that office: that is to say, the disbursements on such orders are not to enter into your local accounts.

5.—Requisitions are to be prospective and not retrospective: that is to say, you are not yourself to order things through the London Office, and then apply for the Inspector General's signature to a Requisition; you are to notify your want to the Inspector General and submit the Requisition in due form, to be dealt with as may be thought proper.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 15 OF 1874 (FIRST SERIES).

Semi-Official Correspondence with I.G., instructions regarding.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 10th April, 1874.

SIR,

1.—In your sealed letter of appointment to the Commissioner-ship of the port ($\frac{I. G.}{F. I.}$), paragraph 6 reads thus:—

“ You will address me semi-officially or privately every fortnight, as well to supplement your despatches as to keep me informed of interesting or important occurrences at your port or in its vicinity—occurrences which it might be expedient to bring to my notice, but which could not properly form the subject of official correspondence.”

2.—On the whole, I have to thank all who have had charge of ports for their attention to the instructions contained in the paragraph quoted. A growing tendency, however, is becoming perceptible, on the one hand to substitute semi-official letters for despatches, and on the other to leave it to the Inspector General to find out for himself, from newspapers or other sources, what is occurring in the locality: on the one hand, the result is that questions asked and perhaps instructions sent in reply—both one and other semi-officially, or in letters relating to private or personal business—are not recorded, while, on the other, matters at the port, which the Inspector General ought to be the first to know about, are frequently those which, to the surprise of others and to the disadvantage of Service interests, he is the last to learn.

3.—As regards the outside matters which ought to be communicated to the Inspector General semi-officially, each Commissioner must judge for himself; but, generally speaking, any non-customs business, whether affecting foreigners or natives, that is causing a reference to Peking or that is likely to evoke the intervention of the Peking officials,—any local occurrence tending to the benefit or detriment of local interests, or specially affecting interests elsewhere,—and any sayings or doings of individuals which, in the interests of the Service, ought to be brought to the Inspector General's notice,—these and kindred matters may properly form the subjects of semi-official correspondence. In this connexion it ought to be remembered that it is in the interest of the

Service generally, and therefore as much in their—the Commissioners'—interest as in his own, that the Inspector General requires such intelligence; further, the communication of it in this semi-official way is as much a part of a Commissioner's official duty as attention to the current work of the Custom House.

4.—In respect to the other matter, semi-official reference to business matters to be dealt with by the Commissioner, there is no objection to such reference as long as it does no more than supplement, or rather comment upon or explain the official treatment of the same subject or question in a despatch; but when such semi-official reference is made or allowed to take the place of the official treatment of the subject in a despatch, the result is often embarrassing. Semi-official letters received are, of course, preserved by the Inspector General, but copies are not kept of the Inspector General's private or semi-official replies; hence subjects are lost sight of that ought to be borne in mind, and advice or instructions forgotten, if not officially contradicted on some subsequent occasion. It is therefore desirable that you should remember, and be guided by the explanation: business questions, the statement of cases for the Inspector General's opinion or instructions, applications for the Inspector General's authority or sanction, etc., etc., etc.,—these and kindred matters ought to be dealt with officially in despatches, so that the statement submitted and the instructions issued may be properly recorded for future guidance or reference; and when such business matters are treated of in semi-official letters, it is to be borne in mind that such semi-official treatment of them must not take the place of official reference, but is merely to be complementary or explanatory of what has been already written on the same subject in official despatches.

5.—I trust that these explanations will be of use, and assist in making semi-official letters what they ought, as well as preserve them from becoming what they ought not, to be.

I am, etc.,

(signed) ROBERT HART,

I.G.

CIRCULAR No. 26 OF 1874 (FIRST SERIES).

**Audit Secretary and Assistant Audit Secretary,
appointment and duties of.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 1st October, 1874.

SIR,

1.—You will have noticed in the Gazette, that on the transfer of Mr. Campbell from the post of "*Chief Secretary and Auditor*" to that of Non-Resident Secretary in charge of the London Office, his successor, Mr. Bredon, was gazetted "*Chief Secretary*" only, and *not Auditor*.

2.—A variety of circumstances has contributed to necessitate a more effective audit than has yet been attempted, and I have now to acquaint you with the appointment of an Audit Secretary (Commissioner), who will visit the ports at least once a year and examine the accounts locally, and an Assistant Audit Secretary (Deputy Commissioner), who will reside at Peking and examine the accounts that are sent here quarterly from the ports.

3.—The local examination will be of such a nature as the Audit Secretary may think proper, under instructions from the Inspector General. An important part of that duty will be to ascertain that there has been no unauthorised expenditure, that the accounts are kept up to date, and that the Balances are in order and placed as reported.

4.—On the arrival of the Audit Secretary at a port, the Commissioner will direct the Clerk who may at the time be in charge of the accounts, to *at once* hand him the key of the safe in which the Balances or documents relating to them, the Cheque and Pass Books, etc., etc., etc., are kept and to *at once* place before him the various Account Books, so that the Audit Secretary may be able to report to the Inspector General *the exact condition in which he found safe and accounts on arrival*.

5.—Under special authority from myself and approved of by the Yamên, the Audit Secretary is empowered to suspend any Commissioner or Officer in Charge in the event of the discovery of unauthorised expenditure, misapplication of public moneys, or other irregularities: should such a step ever be necessary, the Audit Secretary is thereon to take charge of the office in question and, as Commissioner officiating, carry on the work of the port pending instructions from the Inspector General.

6.—On arrival at a port, the Audit Secretary will hand in a statement of travelling expenses incurred by him between that and the port last visited: the amount thus disbursed is to be returned to him, his receipt is to be taken, and the amount is to be charged for in Account *A*, *Transport* heading.

7.—During his stay at a port, the Audit Secretary is to be the official guest of the Commissioner, and a charge of Two Taels (\$3) *per diem* for his maintenance during his stay at the port is to be made by the Commissioner or Officer in Charge, and to be entered in the *A* Account, *Transport* heading.

8.—I have, in conclusion, to inform you that Mr. F. E. Wright * has been appointed to the post of Audit Secretary, and Mr. J. H. Gibbs to that of Assistant Audit Secretary.

I am, etc.,

(signed) ROBERT HART,
I.G.

* F. E. Wright (British) joined the Service on the 1st October 1859 under H. N. Lay. He was in charge at Shanghai in 1866 and in the year following served as Chinese Secretary. From April 1868 to June 1871 he was Commissioner at Chefoo, and at Foochow from November 1873 to November 1874. In the latter month he was appointed Audit Secretary, a post which he held for four years, during which time he devised and put in operation the system of Service accounts which held good up to recent times. As Audit Secretary he toured the ports, and on two such occasions he took over charge—at Canton from March to August 1875 and at Shanghai from March to July 1878. He served again as Audit Secretary from the 1st December 1880 to the 1st April 1881, when he resigned. He died in England on the 20th October 1889.

CIRCULAR No. 3 OF 1875 (FIRST SERIES).

Emperor T'ung Chih, Death of, accession of Emperor
Kuang Hsü, Regency of Empresses Dowager;
instructions in consequence of.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 17th January, 1875.

SIR,

1.—I have to inform you that I have received despatches from the Yamên embodying Imperial Edicts as follows:—

- 1°. An Edict issued in the name of the Emperor T'ung Chih, stating that, being himself on the point of death and without sons, the Dowager Empresses, widows of the Emperor Hsien Fêng, have adopted *Tsai T'ien* 載湉, a son of the Shun Ch'in Wang 醇親王 (the 'Ch'i Yê,' or seventh son of the Emperor Taou Kwang), to continue the line of the Emperor Hsien Fêng as a younger brother of himself the Emperor T'ung Chih; and ordering the period of mourning to be twenty-seven days.
- 2°. An Edict issued by the adopted son of the Emperor Hsien Fêng, announcing the death of the Emperor T'ung Chih on the 12th January, and ordering that the period of mourning shall be three years.
- 3°. An Edict issued in the name of the Dowager Empresses announcing that when the Emperor has children one of them is to carry on the line of the late Emperor T'ung Chih.
- 4°. An Edict issued in the name of the Emperor, in reply to a memorial presented by the Princes and high officers at the capital, announcing that, he himself being still a minor, the Dowager Empresses will re-assume the position of Regents held by them during the minority of the late Emperor.

2.—The Gazette of the 16th instant announces that the title of the new reign is to be *Kwang Hsü* 光緒.

3.—For a hundred days to come,—that is, till about the middle of April,—blue and not vermilion is to be used when impressing seals on official documents, and mourning paper is to be used in Chinese official and semi-official correspondence.

I am, etc.,

(signed) ROBERT HART,
I.G.

MEMORANDUM

To the Commissioners of
Customs.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 10th February, 1875.

In modification of par. 3 of Circular 3 of 1875, the Inspector General desires me to request you to be guided by the example of the Superintendent at your port, as to the date of discontinuance of Blue Seals and Mourning Paper.

COLIN JAMIESON,
Assistant Secretary.

CIRCULAR No. 9 OF 1875 (FIRST SERIES).

**Circulars will as a rule hereafter be issued in printed form,
authenticated by signature of Statistical Secretary.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 24th July, 1875.

SIR,

I have instructed the Statistical Secretary to issue my Circulars in printed form, and to sign each himself in proof of its authenticity. Written Circulars will therefore but rarely be sent you from this office, and you will treat all that you may receive—or may have already received—in the form described, as though written here and signed by myself.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 15 OF 1875 (FIRST SERIES).

Customs Allowance, increase of, from Tls. 748,200 to
Tls. 1,098,200 per annum, from 1st January,
1876, authorized by Imperial Decree.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *8th December*, 1875.

SIR,

1.—In connection with the last sentence of par. 10 of my Circular No. 4 of 1866, I have now to inform you that on the 5th instant an Imperial Decree authorised the issue of an increased allowance for the support of the Service from the 1st January, 1876. The annual amount latterly issued has been Tls. 748,200; from the commencement of the Sixty-second Quarter it is to be Tls. 1,098,200.

2.—The arrangements to be made consequent on this increase in the grant will be notified to you in other Circulars.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 17 OF 1875 (FIRST SERIES).

Customs Allowance, quota of, contributed by each Custom House; renewed instructions concerning *balances, authorities, and remittances.*

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 14th December, 1875.

SIR,

1.—In continuation of my Circular No. 15:

Increased Office Allowance:

I now append a Table showing the amounts to be contributed by each Custom House for the support of the Service.

TABLE:—

PORT.	ANNUAL GRANT:	OFFICE ALLOWANCE:
	Authorised by Imperial Decree.	To be issued monthly by Superintendent.
Canton	120,000	10,000
Swatow	72,000	6,000
Amoy	72,000	6,000
Takow	24,000	2,000
Tamsui	24,000	2,000
Foochow	138,000	11,500
Ningpo	72,000	6,000
Shanghai	240,000	20,000
Chinkiang	36,000	3,000
Kiukiang	72,000	6,000
Hankow	120,000	10,000
Chefoo	36,000	3,000
Tientsin	36,200	3,016.6.6.6
Newchwang	36,000	3,000

2.—While the Office Allowance has been thus increased, existing rules and practice in respect of expenditure at the port and remittances to the Inspector General remain unchanged: that is to say, all expenditure requires either a *general, standing, or special* authority, and monthly balances are to be remitted to the I.G.'s account at the O.B.C. Shanghai
Hongkong during the course of the ensuing month.

3.—Moneys not actually remitted at the end of a quarter form part of the Quarterly Balance; moneys remitted are to be entered as remittances in the accounts of the quarter in which the remittance is actually made.

4.—Whenever a remittance is made, the Commissioner concerned should be careful to see for himself that its receipt is duly acknowledged by the Bank.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 24 OF 1875 (FIRST SERIES).

**Ad Valorem Coast Trade Duty to be half of export duty
levied at port of shipment.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 29th December, 1875.

SIR,

In continuation of my Circular No. 7 of 1861:

Concerning Coast Trade Duty on Chinese Produce carried
Coastwise:

I have now to inform you that the Coast Trade Duty to be collected on *Unenumerated Articles* is to be half the amount shewn to have been paid as Export Duty. For statistical purposes you will of course make use of your local values, but for the collection of duty you are to accept the Export Duty Proof as fixing the rate, and charge half.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 30 OF 1875 (FIRST SERIES).

**Chinese Ministers to England, United States, Spain
and Peru, appointments of.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st *December*, 1875.

SIR,

I enclose copies of despatches received from the Yamên notifying the following appointments:—

Kuo Sung-t'ao	}	to be Chinese Ministers to England.
Hsü Ch'ien-shên		
Ch'ên Lan-pin	}	to be Chinese Ministers to the United States, Spain and Peru.
Yung Hung		

Following in the course of Pin Lao-yeh's semi-official tour, the Burlingame Mission, and Chung Hou's special visit to France, and constituting as they do China's first real attempt to establish permanent Legations in other countries, these appointments are worthy of special record.

I am, etc.,

(signed) ROBERT HART,

I.G.

ENCLOSURE.

大清欽命總理各國事務衙門

劄行事光緒元年七月二十八日奉

上諭候補侍郎郭嵩燾直隸候補道許鈴身著充出使

大英國欽差大臣許鈴身並著賞給二品頂戴欽此相應恭錄

諭旨劄行總稅務司遵照可也須至劄者

光緒元年拾壹月拾柒日

右劄布政使銜總稅務司赫

准此

大清欽命總理各國事務衙門

劄行事光緒元年十一月十四日奉

上諭二品頂戴候補三四品京堂陳蘭彬三品銜同知容闕著充出使

大美國

大日國

大秘國欽差大臣容闕並著以道員用賞給二品頂戴欽此相應恭錄

諭旨劄行總稅務司遵照可也須至劄者

光緒元年拾壹月拾柒日

右劄布政使銜總稅務司赫

准此

總字第柒百拾玖號

爲

總字第柒百貳拾號

CIRCULAR No. 32 OF 1875 (FIRST SERIES).

**Revenue Steamer Commanders and Commissioners, defining
relative positions and duties of.**INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st December, 1875.

SIR,

1.—I am told that the position of the officers who command Chinese Revenue Steamers is not sufficiently well defined, and that, to obviate all possibility of misunderstanding or clashing of authority, it is desirable to clear up some doubts which appear to exist in this connection. Premising that each Commissioner of Customs is the Inspector General's chief representative within the boundaries of his own Customs district, as defined in Circular No. 8 of 1864, and that all Customs employés—the members of the Inspector General's head-quarter's staff excepted—are the subordinates of the Commissioner while within the district concerned, I have now to issue what follows for your information and guidance.

- 1°. Commanders of Chinese Revenue Steamers and the vessels under their command are appointed to Customs districts, or transferred from one district to another, by the Inspector General. The Inspector General's order is conveyed in the form of a "Memo. of Instructions to be given effect to by Captain, commanding the Chinese Revenue Steamer.....," and is transmitted to the Commander concerned through the Commissioner of the district then served in.
- 2°. When an order to move to another district is thus handed to a Commander, the Commissioner transmitting it is to countersign it, adding to his signature the words "To be given effect to on or after.....(the date on which the Commissioner frees the vessel from duty in his district for the new duty ordered, is here to be filled in)." The Commander is to exercise his own discretion as to sailing on the day named by the Commissioner, or on any day later; but whenever departure is postponed, a written explanation of the reasons for delay is to be addressed to the Commissioner.

- 3°. On arrival at the port of the district he is transferred to, the Commander is to call on the Commissioner of Customs, report arrival, and place himself at his disposal. If the Commissioner has received any "Memo. of Instructions" from the Inspector General, he will then hand it to the Commander, at the same time countersigning it and, if it refers to duty in that district and not to transfer to another, marking on it the date of delivery.
- 4°. The Commander is to give effect to any order issued by the Commissioner for duty in that, or on the borders of any adjoining Customs district; but if the order is one which imperils the safety of the vessel and crew under his command, the Commander is at liberty to refuse to obey it, and is at the same time to write to the Commissioner giving his reasons for refusal, for communication to the Inspector General.
- 5°. All orders received from the Commissioner, as well as "Memos. of Instructions" received through the Commissioner from the Inspector General, are to be noted in the Log Book on the day when received. Similarly, any letter written giving reasons for refusing to carry out an order is to be noted in the day's log.
- 6°. Commanders are to communicate if possible with every lighthouse or lightship passed, and, if a month has expired since the last visit, the Commander, accompanied by an Engineer, is to inspect the light; the Engineer is to make any repairs that may seem called for, and the Commander is to make an entry in the Journal of the light stating the result of the inspection, and is to hand or send a written report of the inspection to the Commissioner of the district for his consideration and for transmission to the Inspector General. Such inspection-reports are to state the condition in which the Commander found the establishment—staff, tower, vessel, lantern, buildings and stores, etc., etc., etc., and are to make any suggestions or recommendations that appear calculated to promote the interests of the Service at

that point. Commissioners are to keep copies of such reports for their own archives, and are to forward the originals to the Inspector General. When forwarding the originals, Commissioners are to mark thereon whether they propose to give effect to the recommendations of the Commander, and, if not, are to state, as briefly as possible, why.

- 7°. At the end of the quarter the Commander is to hand to the Commissioner an open despatch to the address of the Inspector General, reporting briefly on the condition of his ship and crew at that date, and enclosing the Log.
- 8°. Any communication that a Commander may wish to make to the Inspector General on service topics is to be handed open to the Commissioner of the district for transmission, and all official communications thus handed to Commissioners are to be sent to the Inspector General.
- 9°. Despatches from a Commander addressed to the Inspector General may bear a number on the upper left-hand corner of the first page, but on the docket the number space is to be left blank: thus, No. The Commissioner through whom any despatch is sent is to take a copy for his archives and is to countersign the despatch thus:

Copy taken for archives.

.....
Commissioner.

.....,.....18.....

Any remarks that the Commissioner may wish to make are to be inserted on the document above his signature. The Commander's despatch is then to be sent on to the Inspector General in an official cover of the transmitting office, but without covering despatch.

- 10°. At the end of the quarter, the Commissioner of the district is to go on board and hold a general inspection, and is to report the result of that inspection to the Inspector General.

- 11°. The Pay List of the vessel, in duplicate, is to be sent monthly to the Commissioner. After approval by him the salaries and wages are to be paid, on board, by a deputed member of the In-door Staff, in the presence of the Commander.
- 12°. When stores—*Deck* or *Engine*—are required, the Commander is to order them, but not until his respective requisitions therefor have been duly approved by the Commissioner. When stores are thus procured, the Commissioner is to pay for them, but not until the respective accounts therefor have been duly attested by the First Officer in the case of *Deck*—or by the Chief Engineer in the case of *Engine*—stores.
- 13°. The Commander may keep a Petty Cash account for official disbursements not exceeding \$5,—a statement thereof to be submitted monthly to the Commissioner for payment, if approved.
- 14°. The Commanders, Officers, Engineers and Crews of Chinese Revenue Steamers are to wear the uniform of their respective grades as authorised for that branch of the Service.

2.—Commanders of Chinese Revenue Steamers are not merely competent specialists, but also hold positions in which, though under the orders of the district Commissioner, they must always command and often act independently; remembering this, Commissioners must be careful to do nothing to weaken the authority Commanders have to exercise, and should at the same time endeavour to make their work agreeable and easy of execution.

I am, etc.,

(signed) ROBERT HART,

I.G.

CIRCULAR No. 33 OF 1875 (FIRST SERIES).

Engineer Staff and Commissioners, defining relative positions and duties of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st December, 1875.

SIR,

1.—In connection with my Circular No. 32 of this date defining the positions and duties of Commanders of Chinese Revenue Steamers, I find that a similarly authoritative statement of the positions and duties of the Engineer Staff of the Marine Department is also called for. Premising, as before, that each Commissioner in his own district is the Inspector General's chief representative, and that, in the absence of special instructions to the contrary, all Customs employes—the members of the head-quarter's staff excepted—are directly responsible and subordinate to the Commissioner in whose district they may for the time being find themselves, I have now to issue what follows for your information and guidance:—

- 1°. The head-quarters of the Engineer Staff are at Shanghai, and an Engineer's office is to be considered to be in existence for the time being in whatever Customs district an Engineer is working. Whether at Shanghai or any other port, the Engineer Staff is under the orders of the Commissioner in charge of the port.
- 2°. All communications addressed to the Inspector General by the officer in charge of the Engineer's office at Shanghai or elsewhere—whether Engineer-in-chief, or, in his absence, Engineer, Assistant Engineer or Clerk of the Works—concerning the work of the district, are to be handed open to the district Commissioner for transmission. Communications to the Inspector General from members of the Engineer Staff other than the Engineer-in-chief may bear a number on the upper left-hand corner of the first page, but on the docket the No. space is to be left blank: thus, No.

- 3°. Communications from the Inspector General for any member of the Engineer Staff will be forwarded open though the Commissioner in charge of the district concerned.
- 4°. When the Engineer-in-chief has any communication to address to the Inspector General respecting work in another Customs district than that in which he is for the time being residing, he is to forward it to the Commissioner of the district concerned for transmission to the Inspector General.
- 5°. When an officer other than the Engineer-in-chief has occasion to send any communication through a Commissioner to the Inspector General concerning the work of the district he is in, he is at the same time to forward a copy of it to the Engineer-in-chief for his information.
- 6°. On arrival in any Customs district the Engineer-in-chief or other member of the Engineer Staff is to report for duty to the Commissioner, and when the work concerned is completed he is similarly to report its completion or the termination or cessation of his duties in connection with it, and take the Commissioner's instructions as to his own future movements.
- 7°. When a Commissioner wishes for the presence of any member of the Engineer Staff in his district, he is, as a general rule, to apply to the Inspector General stating the work for which he requires the assistance of the officer in question; where the need is of so pressing a kind that the Inspector General's reply cannot be conveniently waited for, the Commissioner requiring assistance is nevertheless to apply to the Inspector General in the usual way, but is also to apply to the Commissioner in whose district the officer in question is supposed to be serving, when the Commissioner applied to will instruct the officer concerned, if he can be spared, to proceed to the district where his presence is required.
- 8°. While the Engineer-in-chief is to send any communications regarding district work through the

Commissioner of the district concerned, he is also empowered to correspond officially with the Inspector General direct, but all his despatches to the Inspector General, whether sent direct or through a Commissioner, are to be in one consecutive series. Those sent direct must not relate to specific district work, but should treat of matters affecting all the districts, such as the relative merits of manufacturers or suppliers of Lights stores and accessories, or contain suggestions for the greater efficiency of the Lights Service generally, or recommendations affecting the composition of the Engineer Staff, discipline, etc., etc., etc.

- 9°. All communications from the Engineer Staff forwarded to the Inspector General through the Commissioner are to be countersigned by him thus:—

Copy taken for archives.

.....
Commissioner.

..... 18.....

and are to be enclosed to the Inspector General's address in an official cover of the Customs office, but without covering despatch. Any remarks that the Commissioner wishes to make may be inserted on the document above his signature.

- 10°. Commissioners' requisitions for articles required for the Engineer Staff or for the Lights Service generally are to be sent to the Engineer-in-chief for his countersignature, remarks, specifications, etc., before being forwarded officially to the Inspector General.
- 11°. Any member of the Engineer Staff who has any personal claim to prefer or any statement to make not connected with district work, which he may desire to place before the Inspector General, is to send such claim or statement to the Engineer-in-chief who will transmit it to the Inspector General as an enclosure in a covering despatch in which he will give his opinion and recommendations on the point referred.

- 12°. "Notices to Mariners" to be published "By order of the Inspector General," are to be prepared and signed by the Engineer-in-chief; but when thus prepared and signed, they are to be sent to the Commissioner of the district for publication in the authorised papers. At the same time the Engineer-in-chief is to embody every such Notice in one of his separate despatches to the Inspector General and is besides to send a copy of it to the Statistical Secretary.
- 13°. When a Commissioner wishes to put up new marks in his district or to change the position of or do away with existing ones, he is to send his recommendation direct to the Inspector General, but is at the same time to send a copy to the Engineer-in-chief, whose duty it will be to advise the Inspector General as to the steps best to be taken, in a despatch to be forwarded through the Commissioner of the district in question.
- 14°. Whenever an Engineer wishes for the services of one of the Chinese Revenue Steamers or Customs boats, he is to apply for it to the Commissioner of the district. Commissioners of Customs and Commanders of Chinese Revenue Steamers are required to render every possible assistance to Engineer demands in this connection.
- 15°. Expenditure on account of the Engineer or Lights departments is only to be incurred upon Requisitions duly approved by the Commissioner of the district concerned. Such liabilities are to be settled by the Commissioner, but not until the bills therefor have been duly attested by the competent officer.
- 16°. The officer in charge of the Engineer's office may, if the Commissioner of the district deem it advisable, keep a Petty Cash Account, for special disbursements not exceeding \$5, a statement thereof to be submitted monthly to the Commissioner for approval.
- 17°. Engineers, etc., are to arrange with the Commissioner of the district as to the manner in which, and the parties with whom, contracts are to be entered into, according to the nature of the work and the locality

in which it is to be done. As a rule every proposed contract should be submitted to the Commissioner and approved of by him before it is concluded.

2.—Finally, in this as in the case of a Commander of a Chinese Revenue Steamer, Commissioners must remember that while he is for the time being his subordinate, an Engineer is not only a competent specialist, but is also in a very responsible position, and that everything must be done to strengthen the authority he has to exercise as the head of a sub-department, and make his special duties, about which he is presumably by education and experience a better judge than any non-specialist, agreeable and easy of performance.

I am, etc.,

(signed) ROBERT HART,
I.G.

CIRCULAR No. 36 OF 1875 (FIRST SERIES).

Customs Business, special cases in, to be specially recorded.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *31st December, 1875.*

SIR,

1.—The Customs Regulations at each port invariably terminate with some such words as these: “all applications whatever regarding “Customs business should be addressed to the Commissioner of “Customs.”

2.—For convenience, Commissioners permit Assistants in charge of various desks to reply to the queries put by the public concerning business matters connected with the desk, and I have no doubt that this plan works well and both saves trouble and is of use. If every question and answer were then and there recorded, and the occurrence reported to and approved of by the Commissioner daily, mistakes would not be likely to occur, or, if occurring, escape notice; but where such a record is not kept,—and I doubt if it is anywhere kept,—occasions may arise when, owing either to the

importance of the query or the difficulty of substantiating question and answer should questioner or answerer have in the meantime disappeared, the fact that the communication has not been addressed to the Commissioner may give rise to future and perhaps serious inconvenience. It is, therefore, proper that some procedure should be adopted to record any points of importance thus coming up and thus settled.

3.—There appears, in particular, to be one class of questions that ought not to be too summarily dealt with and the answers given to which ought not to be left unrecorded, viz., questions as to the designations under which such and such articles ought to be reported, or the rate of duty they ought to pay. I have accordingly to request you will make it a standing rule in your office that any question put as to the designation goods are to be reported under, or the duty they are to pay, must be eventually put in writing in a letter addressed to yourself and must be accompanied by a specimen of the goods concerned, to be kept, if possible, with the letter asking the question; your answer is to be in writing, and should be duly recorded.

4.—Further, you will instruct your Assistants to be guided generally by this rule in other matters: where a question is of a special nature or is likely to have any important result, or relates to principle rather than momentary practice, the Assistant applied to ought to advise the applicant to address his question in writing to the Commissioner.

I am, etc.,

(signed) ROBERT HART,

I.G.

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CIRCULAR No. 48 OF 1875 (FIRST SERIES).

**Goods Accidentally Destroyed, duty paid on, not recoverable;
Munitions of War may be transhipped;
New Mexican Dollar may be received in payment of duties;
Customs Flag, description of;
Native Craft Chartered by Foreigners, Commissioners
to take control of.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *31st December, 1875.*

SIR,

I enclose copies of some despatches received on various occasions from the Yamên.

Enclosure No. 1 refuses to authorise the refund of duties on Merchandise accidentally destroyed.

Enclosure No. 2 permits the transhipment of Munitions of War.

Enclosure No. 3 authorises the new Mexican Dollar to be received in payment of duties.

Enclosure No. 4 describes the flag to be worn by Customs vessels.

Enclosure No. 5 authorises Commissioners of Customs to take the control of native craft chartered by foreigners.

I am, etc.,

(signed) ROBERT HART,
I.G.

ENCLOSURE No. 1.

Merchandise destroyed: Duty not to be returned.

大清欽命總理各國事務衙門

札行事同治十年十二月二十八日准總稅務司申稱據東海關署稅司好博遜申呈現有貨船未領紅單之先遭風稅銀可否給還并錄呈商人大成行稟一件查潮州前有洋船裝滿貨物未曾出口失火奉札毋庸發給稅銀自應按照前札示知查約內進口稅卸貨時完納出口稅下貨時完納所謂卸貨時者應以貨物何時離開運進口之原船為卸貨之時下貨時應以貨物何時離開碼頭前往出口船為下貨之時是出口貨物一經離開碼頭或暫時載在撥船或已經入于洋船遇有貨物失落之事已完之出口正稅毋庸發還凡進口貨物已離原運進口之船或裝載于撥船或從碼頭赴棧房遇有失落之事已完進口稅毋庸發還等語查英約第四十四款內載英國貨物如受潮濕致價低減者應行按價減稅等語是進口貨物受潮減稅立此專條原為體恤商人而設此外並無進出口貨物失落准還稅銀明文同治八年五月間潮海關有布國商船科爾干裝載貨物在未領紅單出口之先船隻失火貨物被焚請還稅銀一案稅司康發達擬定辦法無論已買保險與不買保險均毋庸發給存票當經本衙門札知總稅務司進出貨物既經完稅後其意外之虞甚多防不勝防全在商人自己加意防範即存留棧房以及未經入船貨物亦難免有意外各事分別保險與否諸多轉應照康稅司所擬辦法等因在案除由本衙門咨行北洋大臣并札行東海關道大成棧洋船遭風一案查照潮海關成案以免辦理兩歧外為此札行總稅務司即飭各稅司嗣後凡進出口貨物倘有意外之虞無論貨物離口與未離口一切均照本衙門前札辦理毋須遽議訂章可也須至札者

同治拾壹年

正月

初陸日

右札布政使銜總稅務司赫

准此

總字第肆百捌拾叁號

爲

ENCLOSURE No. 2.

Munitions of War: Transhipment permitted.

大清欽命總理各國事務衙門

割行事同治十一年十二月初六日准總稅務司申稱軍火過載輪船開行最速至多不過限以
 三日一節查軍火進口過載之事甚少並非常有進口者大半係前往東洋餘則從東洋來滬付
 搭便船回外國輪船開行雖速而三日之內却不常有開行者若以三日之期定限即遇請准過
 船之時萬一於定限掣肘案情有應准之勢而章內又有礙難奉行之明文再四熟思現擬凡洋
 商運軍火等物不准販運進出各口善後條約本有明文惟軍火由此外邦運彼外國不過假道
 暫進中華港口並非在此售賣亦無請准登岸之情販運者擬准過船轉運其進口時由船商赴
 關報明載有過船之軍火其貨主請領過船之准單時具結按限過載復運出口倘限內未經過
 運按估價若干受罰三倍此結於未請過船單之先應請由領事官當堂畫押為憑至定限應由
 該關稅務司按情酌訂惟究不得過十五日此等過載之軍火均不准登岸其過船時須由關查
 明係原包原貨派差押送俟原貨如數復出口方准將結撤銷倘有擬由原船復運出口者在未
 領開船准單之先須由船商按過載之例一體具結方准放行以上所擬似不致另生流弊是否
 可行應請酌奪示復分別行文以便照辦等因前來本衙門查閱總稅務司所擬各節均尚詳洽
 應如所稱辦理至定限一層最關緊要總稅務司聲稱由該關稅務司按情酌訂究不得過十五
 日等語查十五日係兩禮拜之期軍火過船是否須候兩期禮拜應令該關稅務司即行體察情
 形核實妥定但至遲總以十五日期限為斷從前軍火等物不准販運進出口條約本有明文現
 因商人由此外邦運彼外國必須假道中華港口是以暫議約外通融辦法特為格外恤商起見
 倘或過船商人因此夾帶影射借端滋弊本衙門惟有照約一概禁止應併由該關稅務司曉諭
 商人知悉除由本衙門咨行南洋大臣外為此割行總稅務司轉飭查照可也須至割者

右割布政使銜總稅務司赫

准此

同治拾壹年

拾貳月

拾捌日

總字第五百肆拾玖號

ENCLOSURE No. 3.

New Mexican Dollar: Canton Assay.

大清欽命總理各國事務衙門

劄行事同治十一年三月二十九日准

威大臣照會內稱墨西哥國新造銀錢近在廣州經

兩廣總督暨領事官等各派委員會同驗明成色寫立憑單等因旋於四月初八日准

兩廣總督咨同前因查英國條約第三十三款有按照道光二十三年在廣東所定各樣成色交

納明文法國條約第二十一款內載海關與領事官覈其市價情形將洋銀比較紋銀應補水銀

若干照數補足美國條約第二十二款內載以洋銀按時價折交各等語同治五年間准

阿大臣照稱香港新製洋銀經英中兩國官員在廣州會驗成色每百兩合足紋九十兩之數寫立憑

單等因當經本衙門行文查復屬實即經照復准令補交紋水輸納稅餉在案此次墨西哥新造

銀錢既經兩國官員公會驗成色足數九成自應准其補交紋水輸納稅餉惟此項鷹銀日後

成色倘有不足商民或不樂用以及銀局舞弊以官濟私以假攙真不便於民即未便准其強輸

官稅以期無礙稅餉而順輿情除由本衙門咨行

南北洋大臣並照復

威大臣外相應抄錄往來照會各一件札行總稅務司查照辦理可也須至札者

右劄布政使銜總稅務司赫

准此

同治十一年 四月 十二日

總字第伍百拾貳號

爲

照錄 英國照會

爲照會事案查前因墨西哥國擬鑄新式洋錢本大臣希請

貴親王轉飭各口海關監督查照收納於同治十年四月二十五日備文知照嗣於五月初五日接准

貴親王來文內開將來墨西哥國所造新錢按照紋銀實在能得成色若干以便輸納稅餉之處應由本衙門咨行南北洋通商大臣轉飭各海關監督察看情形查照成案一律核明辦理等因各在案茲據駐札廣州領事官羅詳報內稱同治十一年二月初五日在省城經

兩廣總督部堂暨敝領事官各派委屬官一員會同監視令將新式洋銀鎔兌傾化覈定成色寫立憑單爲據粵海關監督

以憑單核算計新式洋銀壹百圓知與舊式洋銀百圓成色較多幾至一元有半等因附送憑單前來本大臣據此相應抄錄憑單備文粘送

貴親王查閱並祈

轉飭各口海關監督遵照天津條約第三十三款嗣後凡有英商將新式洋錢呈交稅課者遵卽核計實在成色一律收納可也須至照會者

大清

補用知府署廣糧廳方
粵海關部代辦粵盈庫大使葉

大英特 揀 繙 譯 官 璧

會同言明驗得新出鷹銀成色事照得本

分府
庫繙譯官

於同治十一年二月初五日在關部銀號恆茂店經將新出

銀圓當面試驗核定成色茲將會驗事由詳細開列

爲

一新出銀圓貳拾捌圓先行平兌約重貳拾兩零貳錢伍分

一嗣將該銀貳拾捌圓配鉛同重鎔銷提淨平兌共得海關紋銀壹拾捌兩壹錢伍分

一所得海關紋銀較未鎔化之原銀共輕貳兩壹錢

茲將新出鷹銀覈對海關紋銀查以上驗試事由核定成色聲明於後

一照上算以新銀壹百圓重柒拾貳兩叁錢貳分

一新出鷹銀壹百兩卽伸海關銀捌拾玖兩陸錢叁分

另鍋底約耗輕銀叁錢柒分合共玖拾兩正

連輕耗計伸得呈色紋銀玖成正

現得關部銀號高恆茂等五家字號所立憑單粘附爲證

計核新出鷹銀壹百壹拾壹兩壹錢壹分可抵足色紋銀壹百兩正憑碼均行爲此會立約據立明一切用

英文各書一通共立五張分別呈據

本日在廣州省城

英國領事官署內會同畫押

同治十一年二月初五日

照錄覆英國照會

爲照復事同治十一年三月二十九日准

貴大臣照會內稱墨西哥國新造銀錢近在廣州經兩廣總督暨領事官等各派委員會同驗明成色寫立憑單等因當經本衙門以未據粵省咨報有案抄單行查去後茲於四月初八日准兩廣總督咨稱正月十四日接駐劄廣州領事官羅仲陳內稱香港銀局製造新鷹銀成圓請照同治五年成案委員會同試驗以便輸餉

通用等情當經本部堂派委候補知府方功惠並咨商粵海關監督派委庫大使葉滋鈞會同壁繙譯官眼同銀匠將此項新鷹銀傾鎔試驗據報與海關紋銀比較成數計足九成以此次新鷹銀一百一十一兩一錢一分抵海關紋銀一百兩立有憑單爲據此項新鷹銀既經傾驗成色與紋銀比較計足九成與現在通用鷹錢相同其輸納稅餉向按紋銀計算補交紋水自應准其輸納並日行通用以便商民等因前來查兩廣總督所報前項鷹銀計足九成與

貴大臣來文內粘憑單所開之數相符自應准各商民補交紋水輸納稅餉業經兩廣總督等出示嚴禁棍徒假造影射本衙門應卽咨行

南洋大臣

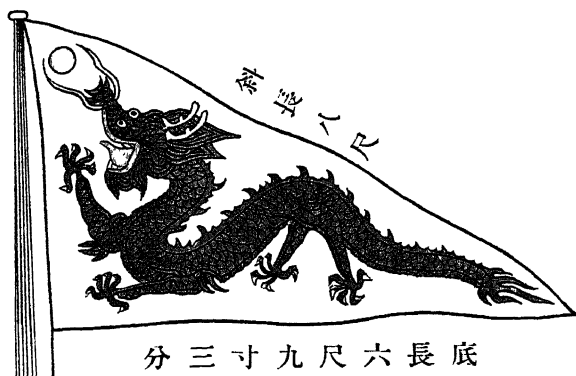
並札總稅務司查照成案辦理倘日後成色不足商民或不樂於使用

或銀局中有舞弊等事以官濟私以假攙真彼時不便於民用者卽不能強輸官稅蓋中國官員僅能禁止內地棍徒捏造而不能禁銀局另有他故並不能強制商民以必用也本衙門顧慮及此不得不預爲言明至現在既經兩廣總督核明自應卽照來文辦理相應照覆

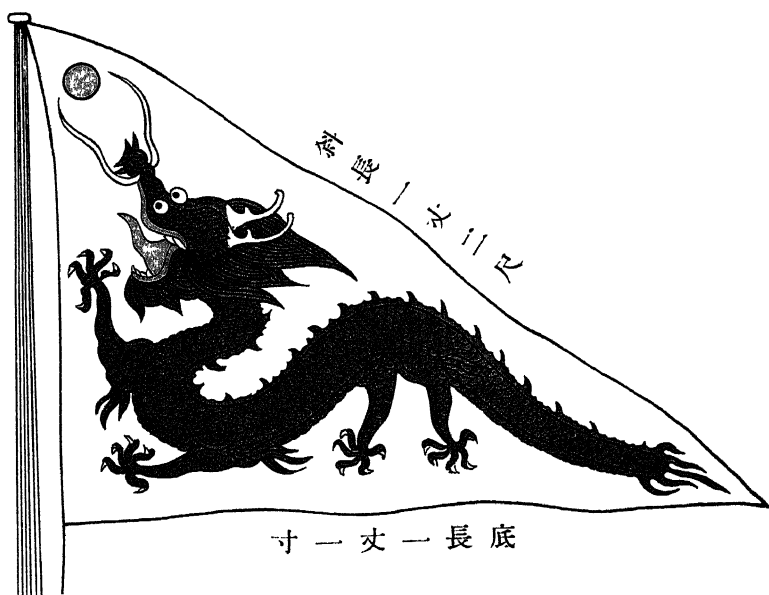
貴大臣查照可也

隨總字伍百拾貳號

幅寬四尺



幅寬六尺五寸



此三角旗用正黃色上鑲龍形龍

頭向上常掛桅梢作主旗凡船身

長二十丈以內者其旗斜長八尺

幅寬四尺底長六尺九寸三分船

身長二十丈以外者其旗斜長一

丈二尺幅寬六尺五寸底長一丈

一寸均用中國工部營造尺量製

隨總字第伍百伍拾玖號

ENCLOSURE No. 4.

Chinese Flag: to be flown by Chinese Vessels.

大清欽命總理各國事務衙門

爲

劉行事同治十二年二月十五日准北洋大臣咨稱准本衙門咨赫總稅司申各關大小巡船掛
用新式龍旗式樣稍有不同恐失畫一請於各項旗幟發一定式以便轉示各口稅務司遵掛等
語當將議定龍旗畫一式樣照繪一分咨送前來相應將現定旗式繪圖劉行總稅司轉飭各口
稅務司一體遵照掛用可也特劉附現繪旗圖一紙

右劉布政使銜總稅務司赫

准此

同治拾貳年

貳月

貳拾日

總字第五百伍拾玖號

ENCLOSURE No. 5.

Native Craft chartered by Foreigners: to be controlled
by Commissioners of Customs.

大清欽命總理各國事務衙門

劉行事前據總稅務司中呈英德兩商運貨進口均用華船裝貨一願常關完稅一願新關完稅彼此互異並稱華船有涉於通商者有四項歸新關完稅一係洋商洋船一係洋商雇用華船一係華商來往外國如香港澳門等處華船一係通商各口新添華商火輪夾板等項洋船凡非通商口岸華船不准前往外國凡通商口岸准往外國華船均須請領新關牌照至華船應完船鈔德國商人加羅威治並未照納德國領事以完鈔章程係法國之事與德國無涉等語申請酌復前來本衙門當經咨行

南北洋大臣轉飭各關監督核議並劉復總稅務司在案茲准

南北洋大臣將各關監督核議各緣由先後咨送本衙門查核等因查通商各口各項船隻內洋商洋船本係照約歸新關完稅新添華商火輪夾板等項洋船現在招商船局已定章程歸新關完稅以上兩項船隻來往通商各口自應均歸新關完稅其華商來往外國如香港澳門等處華船一項現據

南洋大臣咨稱江浙閩粵各海關此項船隻已有地方官給領船照若必令赴新關請領牌照不無窒礙

北洋大臣咨稱南洋沿海各處華船赴香港安南琉球暹邏新加坡小呂宋等處貿易者俱有地方官牌照應准通行出口入口常關納稅總稅務司中呈等語殊於華商生計常關稅額俱多窒礙是總稅務司所稱華商來往外國華船應歸新關完稅並由新關請領牌照一節既經南北洋大臣查明窒礙難行應毋庸議所有華商前往外國貿易華船無論是否通商口岸之船但有地方官給領牌照即准前往貿易應完稅項統歸常關完納其洋商雇用華船一項查英約第十四款往來卸貨下貨任從英商雇船剝運不論各項船隻倘有走私漏稅查出照例懲辦又第三十一款英商在各口自用艇隻倘帶例應完稅之貨每四個月一次納鈔又長江

爲

通商統共章程第六條洋商雇用內地船隻按照條約納稅各等語總稅務司以此項船隻沿海祇有納鈔明文沿江本有納稅明文可引長江之章作證

南洋大臣咨稱洋商雇用華船通商各口無論暫雇常雇所用何船均應歸新關完稅以昭劃一

北洋大臣咨稱洋商雇用華船有請單不請單之分請單者照新關定章完稅不請單者照華商例逢關納稅遇卡抽釐查洋商運洋貨進通商各口完正稅後運入內地完過子口半稅者領有新關稅單爲憑洋商在通商各口報明入內地置買運回外國之土貨領有新關報單爲憑回至最後子口先赴新關完納子口半稅方准過卡其未領有稅單報單者均照華商沿途逢關納稅遇卡抽釐今洋商雇用華船運貨納稅除長江通商三口仍照統共章程條款辦理外洋商如在通商各口雇用華船運洋貨入內地及入內地置買回國土貨無論雇用何項華船亦無論常雇暫雇自應以有無稅單報單爲憑分別完納稅釐其領有稅單報單雇用之華船該船倘有走私偷漏情事一經查出應令該監督照例懲辦以杜弊端除由本衙門咨行

南北洋大臣轉飭各關監督遵照外相應飭行總稅務司即飭各關稅務司一體遵照辦理至洋商雇用華船運貨英國條約本有四個月一次納鈔明文法國更定條約第二十二款本衙門亦已通行各關遵辦且德國條約第四十款載明日後如將噸稅無論何國施行改變一經通行德意志通商稅務公會各國商民等一體遵照毋庸再議條款茲德國領事以完鈔章程與德國無涉未免強辯應由

南洋大臣轉飭粵海關監督照會該領事照約辦理毋任違背可也特劄

右劄布政使銜總稅務司赫

准此

同治拾叁年 叁月 初捌日

總字第陸百拾捌號

CIRCULAR No. 51 OF 1875 (FIRST SERIES).

**Decorations, Rewards, etc., are not to be accepted
without I.G.'s authority.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st December, 1875.

SIR,

I have to call your attention to the following instructions:—

- 1°. While drawing Customs pay and serving under the orders of the Inspector General, no member of the Customs service is to accept any reward till he has been authorised to do so, or till the conferring of it has been notified to him by the Inspector General.
- 2°. This order applies specially to rewards issued by Chinese local officials whether in the form of money, buttons, medals or decorations, and also to foreign decorations; but does not refer to the medals issued by learned Societies or degrees conferred by Universities, etc.

You will communicate this to your Staff.

I am, etc.,

(signed) ROBERT HART,
I. G.

CIRCULAR No. 5 (SECOND SERIES).

Retiring Allowances: new Rules.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, *5th June*, 1876.

SIR,

1.—When proposing various arrangements in connection with other Service matters, my Circular No. 25 of 1869 reserved Furniture and Retiring Allowances for separate consideration.

2.—In respect of Retiring Allowances, the practice, as you are aware, has hitherto been to grant one year's pay to any member of the In-door Staff who retires after ten or more years' service, and to issue gratuities calculated at much the same rate to deserving members of the Out-door Staff. The authority for this practice was the discretionary power given to the Inspector General by the Yamên to issue six months' pay after five years' service, one year's pay after ten years' service, and two years' pay after twenty years' service, to employés forced by ill health to quit China. There was thus no effective provision for the issue of any allowance to the families of deceased employés, or to employés whose health had not broken down.

3.—Since the date of the Circular in question, this subject has received much consideration, and many opinions, as to the best way of dealing with it, have been gathered. There have been four principal proposals put forward for its arrangement, viz. :—

- 1°. The issue of pensions by the Chinese Government,—a proposal involving a general reduction of active service pay;
- 2°. The purchase of annuities,—a proposal involving the placing of large sums in foreign securities at low rates of interest, or the risking of smaller amounts in other less reliable investments yielding higher interest;
- 3°. The issue of lump sums to individuals on retirement,—a proposal involving accumulation of large deposits in foreign or native banks; and,
- 4°. The periodical issue of sums on account of retiring allowance during the active service period of each individual's career,—a proposal involving the possibility of waste through individual extravagance or loss through unfortunate investments, etc.

The points that make for or against each of these modes of settlement have been pretty fully weighed, and, finally, in view of the many peculiar features of this anomalous Service, it has been decided to adopt the last alternative, and the Yamên has issued a general authority to carry it into effect.

4.—The Retiring Allowance rules will henceforth stand as follows:—

- I. *Revenue Department*: 1°. In-door Staff. At the end of each *Seventh* year of service, one year's pay, calculated at the rate drawn during the last quarter of the seventh year then ended, will be issued.
- II.

{	<i>Revenue Department</i> : 2°. Out-door Staff; 3°. Coast Staff. <i>Marine Department</i> : 1°. Engineers; 2°. Harbours; 3°. Lights.	}	At the end
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 of each *Tenth* year of service, one year's pay, calculated at the rate drawn during the last quarter of the tenth year then ended, will be issued.
- III. *Revenue and Marine Departments*: 4°. Chinese Staff. At the end of each *Twelfth* year of service, one year's pay, calculated at the rate drawn during the last quarter of the twelfth year then ended, will be issued to Chinese Clerks, Writers and Shupan; and, at new year's time, a month's pay will be issued annually to each other Chinese employé who has served three years or more.
- IV. The issue of these periodical amounts on account of Retiring Allowance is optional with the Inspector General, and may be withheld by him in whole or in part where either conduct or work fail to give satisfaction.
- V. After completion of the first or any subsequent period, fractional portions of a period will entitle to proportionate issue, the rate of issue being in all such cases the current rate of pay.
- VI. In the event of death, the Retiring Allowance may be issued to the family of the deceased.

5.—The issue of the periodical amounts already due will be commenced forthwith. Employés who have already served through two periods will be paid first, and then those who have served through

one; in each case, the issue will be at the rate of pay for the quarter in which issued, to make up for interest that may be said to have been lost by delay in the settlement of the question. These already-due issues cannot be completely paid off for some time to come, but, once old claims are paid, the issue thereafter will be regular, and current claims will be satisfied as each individual period is completed.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 11 (SECOND SERIES).

**Likin at Shanghai: Drawbacks. Arrangement with
German Minister; Yamên's despatch.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 31st December, 1876.

SIR,

1.—I enclose for your information and guidance copy of a despatch from the Yamên, concerning *Lekin at Shanghai* and *Drawbacks at all the Ports*.

2.—You will observe that, at the instance of the German Minister, the collection of *Lekin* in the Foreign settlement at Shanghai is to be discontinued from the 13th February (Chinese new year), 1877.*

3.—You will also note that the German Minister consents that from the same date, Drawbacks on Foreign Goods that have been Three years in port are not to be issued; while China agrees that, in the case of any Drawback thereafter issued, the merchant shall have the option of using the Drawback as a bank-note to be handed in when paying other duties, or of taking it to the Bank and exchanging it for ready money. This issue of ready money will be a great boon to many of the smaller traders, but lest it should be taken advantage of to diminish the net totals to be accounted for to the Imperial

* *Likin* on opium was not included in this arrangement. *Vide* British Parliamentary Papers, China No. 2 (1880), pp. 2, 6, 8; China No. 3 (1882), pp. 57, 77.

Government, I have to instruct you to arrange with the Customs Bank, and let it be made known to merchants, that every Drawback for which ready money is to be paid by the Bank must be presented to the Commissioner of Customs for seal and signature, and that Drawbacks once thus signed by him cannot be afterwards made use of in payment of duties. You will arrange with the Bank to enable it to identify your seal and signature, and you will see that special attention is paid to the Drawback Register, and that Drawbacks as signed by you for cash payments are written off and lists supplied to the Bank daily.

4.—The Tientsin and Newchwang offices are further to make note that, as navigation is there stopped for the winter, Drawbacks on goods that have been more than three years in port may be applied for up to the 13th February (Chinese new year), and may be subsequently issued provided the goods are shipped for re-export within a fortnight from the arrival of the first vessel on the opening of the port in the spring of 1877.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

ENCLOSURE.

大清欽命總理各國事務衙門

劄行事本衙門現與

德國巴大臣面議洋商出售洋貨在上海租界內免其抽釐及發給存票准其以三十六個月爲限各開辦日期准巴大臣面稱曾經會商

各國大臣在案應將開辦日期開列於後

一上海租界內不再抽釐

查新舊各口岸除尚未定有各國租界應俟會商畫定再行將洋貨免釐一事定期開辦外其上海一口已定有洋商租界凡有洋商進口真正洋貨無論賣與華商洋商自光緒三年正月初一日起上海租界內不再抽收釐金

二存票定限

查凡有真正洋貨已完進口正稅後如欲運往外國實係原包原貨並無拆動抽換自光緒三年正月初一日起核計該貨進口之日到該貨出口船之日在三十六個月內准其請領存票或將存票換取現銀聽商自便其光緒三年正月初一日以前發給存票不扣限期准抵稅銀不換現銀以上兩條除由本衙門照會

各國大臣並通行南北洋大臣飭屬遵照辦理外相應劄行總稅務司查照可也須至劄者

右劄布政使銜總稅務司赫

准此

光緒貳年

拾月

貳拾柒日

總字第柒百捌拾貳號

爲

CIRCULAR No. 20 (SECOND SERIES).

**Commissioners' Position *vis-à-vis* Foreign and
Chinese authorities: remarks.**

INSPECTORATE GENERAL OF CUSTOMS.

PEKING, 3rd March, 1877.

SIR,

1.—In continuation of what has already been written concerning the position and duties of Commissioners, I have to add the remarks which follow.

2.—A collision having occurred, a Superintendent requested a Commissioner to go to the Consular Court as his representative, but the Consul declined to admit of the Commissioner's presence in any other than the capacity of an ordinary spectator: the Consul held that although the Commissioner was a Chinese official in respect of revenue matters, he was not a Chinese official in the sense of the Treaty article in point, inasmuch as he had no territorial jurisdiction and was not a native of China.

I do not think the reasons thus adduced by the Consul are sufficient to prove that a Commissioner is not a Chinese official in the sense of the Treaty, and I do think that the circumstances attending the collision would have been more fully elicited and the points to which the Chinese Plaintiff wished to give prominence more clearly stated, had the Consul consented to accept the Commissioner as the Taotai's representative and allowed him to assist in conducting the case. But the Consul's objection was maintained, and it was not in the Commissioner's power to compel him to alter his decision: the Superintendent, too, does not appear to have offered to support his representative to the extent of withdrawing the case from the Consular Court. The Consul found fault with the Commissioner for wanting to interfere with matters of a judicial kind and not affecting revenue, and the Commissioner found fault with the Consul for his refusal to recognise his competency to take part in the hearing of the case.

The remark to which I call attention in this connection, is: that the peculiarities of his position and the nature of its surroundings considered, a Commissioner errs when he takes action or claims recognition except in his unquestionable capacity as Commissioner of Customs. Under the Joint-Investigation Rules he is entitled to sit with Consuls in certain cases arising out of violation of Customs

Regulations; these cases apart, he will do well to confine himself to his own domain, where his position and authority are recognised, and where there is no one to interfere with his doings or question his status: if he places himself in a position in which a Consul can slight or take exception to him, he is voluntarily exposing himself to what is only too likely to both hurt his feelings and give a look of weakness to his other really unassailable positions. A Commissioner can advise and assist the Chinese authorities in any matter they go to him about, but he exposes himself to no purpose to defeat if he attempts to appear before the public in any other than his recognised position as Commissioner.

3.—From another quarter a Commissioner complains that sundry Chinese officials with whom some outlying business required him to communicate, spoke of him as a foreign and not a Chinese official, and that they did not treat him with as much courtesy and consideration as he felt to be his due.

As regards ignorance of the Chinese character of the post of Commissioner, and a direct reference to it as a foreign position, I do not see that such an occurrence is necessarily damaging:—the position is an anomalous one, and although it would be well were its Chinese character generally known and its incumbent treated by equals and inferiors with the respect really due to it, it is quite possible that what there is of indefiniteness about it secures, on the other hand, a pleasanter kind of recognition for the individual from superiors than might otherwise be accorded.

In respect of lack of courtesy, it must be remembered that people are not equally courteous by nature, and that our foreign ways puzzle Chinese so much that they scarcely know where to begin or where to end their own forms and ceremonies when they meet us. I think the safe rule is to shut one's eyes to what may appear to be deficient courtesy, so long as there is no apparent intention of giving offence, and to be careful against supposing a man to be intentionally rude when he is perhaps trying a new kind of politeness in a bad imitation of his foreign friend's off-handedness and want of ceremony.

4.—In conclusion, and in connection with both kinds of complaint, I would point out that so long as the Superintendents and the few other officials with whom Customs business require us to have dealings recognise the official nature and Chinese character of our position sufficiently to admit of an easy transaction of business, it matters little what other mandarins think or say, and that so long as a man does not step out of his way to be rude to us,

a charitable construction of the questionable act or omission will be better than a disposition to see and take offence. It is somewhat late in the day to be writing in this strain, and for most of us it is hardly necessary that it should be done; but in view of a few occurrences that have come to my notice during the last year or two, I think it well to say once more that we must avoid giving Consuls any reason for supposing that we are attempting to usurp, on their grounds, positions that do not belong to us,—that we are strong enough inside our own limits and that it is folly to make sorties and fight out of bounds,—and that it is often better to shut eye and ear than to be on the alert to take notice of faults and shortcomings: to keep on our own ground—avoid outside positions—and refuse to believe that offence is intended, are points worth keeping in mind. A Commissioner's position can be made galling and unsatisfactory, but it also can be made pleasant enough in point of both work and feeling, if he will once realise what an anomalous position it is and thereafter act discreetly and think soberly.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 21 (SECOND SERIES).

Loans: no Imperial authority for the reported negotiations.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 16th March, 1877.

SIR,

1.—Having had occasion to make inquiry as to the truth of the statements now current concerning Loans negotiated at Shanghai,—more especially a loan of Tls. 2,500,000 said to have been arranged with Japan, a loan of Tls. 4,000,000 proposed to be arranged with Japan, and various separate loans for the Fukien, Yünnan and Hupeh Provinces,—I was informed in reply that, as far as the Chinese Government is concerned, there is no reason why such rumours should be current, inasmuch as there is now no Imperial Authority in anyone's hands to take any steps towards raising any

loan. The Tls. 2,500,000, or Japan, loan has neither received the authorization of the Central Government, nor been called for by the Provincial Authorities for whom it is said to be intended, and nothing is known of the Tls. 4,000,000 loan or the other loans referred to.

2.—I am to bring all this to your knowledge and I am to repeat the instructions formerly sent to you: You are not to sign any documents connected with Loans except after written instructions from myself; and, in the absence of written instructions from myself, no loan is to be regarded as being for the Chinese Government, or as being, with any kind of Governmental recognition or permission or guarantee, for Chinese officials.*

3.—I am further specially to warn you against a certain Hsü Taotai, and to state that he has no authority to negotiate any kind of loan for any official purpose. I enclose a copy of a despatch from the Yamên having special reference to the said Hsü.

4.—You will please to hand a copy of this Circular to the Manager of each foreign bank at your port for his information, with my compliments, and you may allow it to be perused by any one connected with firms likely to be applied to for information, etc., respecting loans.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

* *Vide antea* I.G. Cir. No. 11 of 1867, pp. 80-81.

ENCLOSURE.

大清欽命總理各國事務衙門

爲

割行事現據總稅務司來署面稱金將軍營內有許委員在上海與日本國洋行借銀貳百伍拾萬兩
在各海關扣還以十一年爲期等語本衙門查前據日本森大臣來署談及此事當由本衙門行查南
洋大臣暨陝甘總督等確查聲覆業據覆稱並無此事除再爲咨行南洋大臣查辦外相應割知總稅
務司迅卽行知各口稅務司萬勿與許委員辦理借款之事可也爲此特割

右割布政使銜總稅務司赫

准此

光緒叁年正月貳拾玖日

CIRCULAR No. 25 (SECOND SERIES).

Tonnage Dues from Chinese Vessels: seven-tenths to be
received for A/c. C.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING
SHANGHAI, 4th May, 1877.

SIR,

I enclose copy of a Yamên despatch from which you will see that, commencing with the present quarter, *Seven-Tenths* of the Tonnage Dues paid by Chinese Vessels are to be handed to you for transmission to my A/c. C for Coast-Lights purposes.*

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

大清欽命總理各國事務衙門

爲

飭行事光緒三年二月初四日准總稅務司赫申稱以七成船鈔向歸總稅務司收入作爲建設燈塔浮橋浮樁之用前以華商船隻無幾所入船鈔業經核定毋庸扣撥在案近來華商所購洋式船隻日增若不接濟燈塔等件經費統歸無着請將華商船鈔與洋船一律照撥七成等因前來本衙門業經咨行南北洋大臣轉飭各關監督於本年二月十八日起按月將華商船鈔七成發交各關稅務司代收相應飭行總稅務司遵照辦理可也須至飭者

右飭布政使銜總稅務司赫 准此
光緒 叁年 貳月 貳拾伍日

總字第捌百拾叁號

* *Vide antea*, I.G. Cir. No. 2 of 1868, pp. 85-86.

CIRCULAR No. 27 (SECOND SERIES).

Provisional Regulations for the six ports of call opened under the Chefoo Agreement.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING
ICHANG, 20th August, 1877.

SIR,

1.—As you are aware, the Commissioners of Customs entered on their duties at the new ports—Ichang, Wuhu, Wênchow and Pakhoi—on the first of April last. I have now to inform you that, the 1st July having been selected for a commencement, *River Steamers* are at liberty to ship and discharge cargo at the six ports of call on the Yangtze mentioned in the Chefoo Agreement, viz. Shashih, Luk'i-k'ow, Wusüeh, *Huk'ow*, Ank'ing and Tat'ung.

2.—I enclose a copy of the Rules and Regulations under which cargo is to be shipped and discharged, and have now to request your attention to such of the following explanations as may apply to work to be done in this connection at your office:—*

1°. *In the case of goods covered by Transit Documents* you are to proceed thus:—

Foreign duty-paid imports on payment of Transit Dues may be shipped, supplied with Transit Certificates, from Treaty ports to ports of call; *Certificated Native produce* may be shipped at ports of call for Treaty ports, and is to pay a Transit Due on arrival at the Treaty port in question, and export duty on shipment for foreign export (*vide* Rule 3°).

2°. *When Cargo is shipped at your port for a port of call* (*vide* Rule 6) its destination is to be reported to you, and it is to pay *either* a full and a half, *or* a full duty on shipment: it is to pay only a full duty, if, between the port of call in question and your own port, there is no other Treaty port, but in all other cases it is to pay both full and half duty. Duty paid, the merchandise in question is to be supplied with a special Duty Receipt for presentation at the port of call. As regards the Duty Receipt to be thus issued, in addition to whatever document you issue to the owner of the goods, you are to draw up a Cargo

* On the abolition of likin from 1st January 1931 (*vide* I.G. Cir. No. 4158, Second Series) these Port of Call regulations became restricted to the interport duty leviable on native goods when conveyed by regular river steamers between Ports of Call and Treaty Ports.

Certificate for the port of call,—the Chinese version to be sent in an envelope addressed to the *Weiyüen* there, and the English version to be sent to Mr. Rubery at Hankow.

- 3°. *When Cargo is discharged at your port arrived from a port of call*, your office, if the first office reached after leaving the port of call, is to charge a full duty (*vide* Rule 5), and in addition to the report of the owner of the goods, who is to exhibit his Likin Receipt (see Rule 7), the master of the steamer will hand you an envelope from the port of call, containing a Cargo Certificate showing the cargo there shipped. If, however, between your port and the port of call at which the cargo was shipped, there is another Treaty port, your office is not to collect any duty: the goods are to be passed on the Cargo Certificate issued by the first Treaty port touched at (*vide below* 4°).
- 4°. *When cargo shipped at a port of call passes your port en route to another port of call or another Treaty port*, it is to pay duty at your office: if for a port of call, and if there is no other Treaty port between your own and the port of call for which the goods are destined, only a full duty is to be levied: in all other cases you are to levy both full and half duty (*vide* Rule 4 (c) and (e)). The master of the steamer will hand you an envelope containing a Cargo Certificate from the port of call, and the owner of the goods will present his Likin Receipt to be *viséd* (*vide* Rule 7); you are to provide the owner with a Duty Receipt, and are, besides, to issue a Cargo Certificate,—if for a port of call, the Chinese version is to be sent to the *Weiyüen* there and the English to Mr. Rubery, and if for a Treaty port, the English version is to go to the Treaty port in question, and a true copy to Mr. Rubery.
- 5°. *Cargo shipped at a port of call arriving at a Treaty port without Likin or Duty Receipts* is confiscable.
- 6°. *Huk'ow*, although named among the ports of call, is not to be touched at for the shipment and discharge of Cargo until further notice.

The paragraphs which precede, 1° @ 6°, will suffice to direct your attention to the main points to be dealt with by you, and will, I trust, make clear what your office is to do. The other work to be

done under these Rules and Regulations is to be done by the Likin Offices at the ports of call, and by the owners of goods.

3. The principal point to be brought to the notice of the masters of River Steamers is that part of Rule 7 in which it is said that if the merchandise is to pay duty at a Treaty-port Custom House, the Likin Office at the stage of shipment will issue a Cargo Certificate, to be placed in an envelope and handed to the master of the steamer *for delivery to the Commissioner of Customs at the port first passed*. Captains have therefore only to remember: 1°, that cargo is not to be received or discharged except at Treaty ports and ports of call; 2°, that, shipping and discharging at ports of call, none but registered cargo-boats are to be used; and 3°, that if a Chinese cover is handed to them at a port of call, it is for delivery to the Commissioner at the nearest Custom House.

4. While each office is to incorporate with its other Statistics the statistics of the goods it has *sent to* or *received from* ports of call, special statistics of the ports-of-call trade will be compiled and furnished to the Statistical Department by Mr. Rubery.

5. The Regulations now issued will doubtless appear to you to be more numerous and more complicated than the occasion calls for—at least, so they seem to myself; but the Provincial Authorities insisted on the observance of two conditions: 1°, that at the ports of call, payment should be made to make up for the Likin of the Stations passed en route, and 2°, that Tariff duties should be levied on goods for or passing Treaty ports, but that the levy should take place not at the port of call departed from, but at the Treaty port first passed;—with these two conditions to be observed, all that could be done was simply to beat down the Likin make-up as much as possible, and devise some means for collecting duty at the first Custom House passed. I still think the Likin make-up too heavy, and I do not consider the method of levying duty at the first Custom House unobjectionable; but, as the Rules are experimental and will be revised in a year, I trust we shall arrive at a better arrangement by and by. I ought to add that for convenience sake and distinction, I have called these places on the Yangtze not ports of call, but '*stages*,' in the English version of the Regulations. Any further explanations will be best obtained from Mr. Rubery, to whom the superintendence of the work at and connected with these Six Stages is entrusted.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

程章處六江長

RULES AND REGULATIONS TO BE OBSERVED
WHEN MERCHANDISE IS SHIPPED OR
DISCHARGED BY RIVER STEAMERS AT THE
STAGES OR PORTS OF CALL ON THE YANGTZE.

案查煙臺條款第三款
內載至沿江安徽之大
通安慶江西之湖口湖
廣之武穴陸溪口沙市
等處均係內地處所並
非通商口岸按長江統
共章程應不准洋商私
自起下貨物今議通融
辦理輪船准暫停泊上
下客商貨物皆用民船
起卸仿照內地定章辦
理除洋貨半稅單照章
查驗免釐其有報單之
土貨只准上船不准卸
賣外其餘應完稅釐由
地方官自行一律妥辦
外國商民不准在該處
居住開設行棧等語

The Third Section of the Chefoo Convention reads as follows:—

“It is further proposed as a measure of compromise that at certain points on the shore of the Great River, namely, Tat’ung and Ank’ing in the Province of Anhwei; Huk’ow in Kiangsi; Wusüeh, Luk’i-k’ow and Shashih in Hukwang; these being all places of trade in the interior, at which, as they are not open ports, foreign merchants are not legally authorized to land or ship goods; steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods; but in all instances by means of native boats only, and subject to the regulations in force affecting native trade.”

“Produce accompanied by a Half-duty Certificate may be shipped at such points by the steamers, but may not be landed by them for sale. And at all such points, except in the case of Imports accompanied by a Transit-duty Certificate, or Exports similarly certificated, which will be severally passed free of *Likin* on exhibition of such certificates, *Likin* will be duly collected on all goods whatever by the native authorities. Foreign merchants will not be authorized to reside or open houses of business or warehouses at the places enumerated as ports of call.”

計 後 列 程 細 將 法 概 是 不 所
開 開 於 開 章 詳 現 辦 大 過 載

This quotation expresses merely the general nature of the agreement. Detailed regulations for the shipment and landing of merchandise at the six stages or ports of call are below set forth.

而 輪 內 乃 輪 出 並 字 輪 所 一
言 船 江 指 船 洋 非 樣 船 載 條
款

1°. "STEAMERS":—

The word 'Steamers' used in the Chefoo Agreement is to be understood to mean River Steamers and not Ocean Steamers.

言 號 列 船 作 號 卡 處 該 乃 船 各 並 字 民 所 一
而 字 編 撥 准 掛 由 六 指 隻 項 非 樣 船 載 條
款

2°. "NATIVE BOATS":—

The words 'Native Boats' used in the Chefoo Agreement are to be understood to mean—not every native boat without distinction, but—native boats registered at the six stages and licensed to ply there as Cargo-boats.

程 均 無 稅 處 口 前 即 岸 其 符 驗 運 並 稅 一
辦 照 單 釐 均 海 赴 准 放 裝 洋 明 照 領 單 六
理 後 照 外 不 關 所 其 行 船 單 之 有 處
開 各 其 另 該 報 裝 土 貨 之 領
章 貨 餘 徵 六 出 船 貨 相 貨 有

3°. MERCHANDISE ACCOMPANIED BY TRANSIT DOCUMENTS:—

At the six stages Certificated Foreign Goods and Certificated Native Produce will be passed free on being found to correspond to their Certificates,—foreign goods being permitted to be shipped or discharged, and native produce being permitted to be shipped for conveyance to the port of export. Certificated merchandise apart, all other merchandise, *i.e.*, Uncertificated, will be dealt with as provided for in the Rules that follow.

由六處裝船運往六處起岸之貨先完裝船處釐金報明由此處運往彼處並不過關者如自大通赴安慶自陸無庸完稅其須過一溪赴沙市如自大通安慶至武穴關者自武穴至陸溪沙市俟到該關照完正稅此兩項均應將此去途中所經釐卡由裝船處釐局核明共有幾卡即照所完釐數令其再完幾倍以補應完之釐其須過兩關者俟到第一關照完正半兩稅應由裝船處釐局將此去所經第一關以前第二關以後共有釐卡幾所即照所完釐數令其再完幾倍以補應完之釐如由大通安慶運至沙市陸溪口起岸由沙市陸溪口運至大通安慶之貨中間一關以後二關以前釐卡准其免補若祇過一關及不過關者不得援免

4°. FROM A STAGE TO A STAGE:—

- (a) Merchandise shipped at any one of the Six Stages for any other of the Six Stages is first of all to pay the Likin of the Stage of Shipment, and is to report the stage it is destined for.
- (b) If not passing a Treaty port *en route* [e.g., going from Tat'ung to Ank'ing, or from Luk'i-k'ow to Shashih], the merchandise is not to pay a tariff duty.
- (c) If passing one Treaty port *en route* [e.g., going from Tat'ung or Ank'ing to Wusüeh, or from Wusüeh to Luk'i-k'ow or Shashih], it is to pay a full tariff duty at the Treaty-port Custom House.
- (d) If not passing a Treaty port, or if only passing one Treaty port *en route*, the sum total of the Likin collectable at all the Likin stations between the stage of shipment and the stage of discharge is to be calculated and charged at the stage of shipment.
- (e) If passing two or more Treaty ports, merchandise is to pay a full and a half duty at the first Treaty-port Custom House passed, and at the stage of shipment (in addition to the local Likin (a)) is to pay the sum total of the Likin collectable at the various Likin stations between the stage of shipment and the first Treaty port and between the last Treaty port passed and the stage of discharge (*i.e.*, is exempt from the Likin of the stations between the first and last Treaty ports) [e.g., going from Tat'ung or Ank'ing to Luk'i-k'ow or Shashih and *vice versa*, merchandise is exempt from the Likin of stations between Kiukiang and Hankow].

一由六處裝船運往
長江各關暨上海
關起岸之貨先完
裝船處釐金報明
運赴何關俟到第
一關照完正半兩
稅應由裝船處將
此去所經第一關
以前共有釐卡幾
所即照所完釐數
令其再完幾倍以
補應完之釐如所
報起岸之關即係
第一關如自大通
自武穴至江漢關
自陸溪沙市至宜
昌關
完半稅
到關只完正稅不

5°. FROM A STAGE TO A PORT:—

- (a) Merchandise shipped at any of the six stages for a Yangtze Treaty port or Shanghai, is first of all to pay the Likin of the stage of shipment, and report the name of the port of destination. On arrival at the first Treaty port, it is to pay a full and a half duty. At the stage of shipment, the amount of Likin collectable at Likin stations between the stage of shipment and the first Treaty port is to be calculated and charged for.
- (b) If the port of destination is the first Treaty port after leaving the stage of shipment, the Custom House there is to charge only a full duty [e.g., going from Tat'ung or Ank'ing to Kiukiang, or from Wusueh to Hankow, or from Luk'i-k'ow or Shashih to Ichang].

一由上海關暨長江各關
裝船運往六處起岸之
貨除先在該關照完正
半兩稅或只完正稅自
蕪湖關報運大通是僅
經一關只完正稅如自
鎮江關報運大通是所
經兩關應完正半兩稅
其經三四關者亦只
完正半兩稅一次而止
以上正半各稅均在裝
船之關照報裝輪船指
赴某處並領收稅單到
起岸處呈驗外應於起
岸處照完該處釐金並
由該釐局核明所經末
尾一關以後共有釐卡
幾所即照所完釐數令
其再完幾倍以補應完
之釐如所經僅止裝船
一關即以該關為末尾
之關

6°. FROM A PORT TO A STAGE:—

Merchandise shipped at Shanghai or a Yangtze Treaty port for any of the six stages, is to pay either a full and a half or a full duty at the port of shipment, [e.g., going from Wuhu to Tat'ung, and only passing one Treaty port, only a full duty is to be levied, while going from Chinkiang to Tat'ung and thus passing two Treaty ports, both full and half duties are to be levied. Passing three or four ports,

full and half duties are all that are leviable. In all cases, the port of shipment is to collect the duty,] and is to report the name of the stage of discharge, and take out a duty receipt for presentation there. At the stage of discharge the merchandise is then to pay, first, the Likin there payable, and secondly, the sum total of the Likin payable at the various Likin stations situated between the Treaty port last passed and the stage of discharge [*e.g.*, if the only Treaty port passed is the one where the goods were shipped, that port is to be taken as the last port passed].

一 凡裝船處收釐均須填發收
 釐單交該商於到關及起岸
 處呈驗如該貨須到關完稅
 該裝船處釐局仍應另寫總
 釐單封好交與船主送到所
 經第一關稅務司查收一面
 由該商持收釐單赴關呈驗
 完稅該關另給收稅單並將
 所呈收釐單加戳給還俾到
 起岸處再行呈驗倘六處裝
 船之貨到關及起岸處該商
 竟無完釐完稅各單呈驗者
 該貨入官其有以遠報近希
 圖偷漏者查出罰辦倘有在
 不准停輪之處私行上下貨
 物者該貨入官該輪船照章
 查辦

7°. TARIFF DUTY HOW TO BE PAID: RECEIPTS: PENALTIES:—

Each of the six stages is to issue a Likin Receipt to the owners of merchandise there shipped, for exhibition at the Treaty-port Customs and the stage of discharge. If the merchandise is to pay duty at a Custom House, the Likin Office at the stage of shipment will issue a Cargo Certificate, to be placed in an envelope and handed to the master of the steamer for delivery to the Commissioner of Customs at the port first passed; on the other hand, the owner of the merchandise is to go to the Custom House, exhibit his Likin Receipt and pay duty; the Custom House in question is to *visé* and return his Likin Receipt and issue a Duty Receipt for the Duty there levied, and both Likin and Duty Receipts are to be exhibited at the stage of discharge. If stage-shipped merchandise arrives at a Custom House, or a stage of discharge, unaccompanied by the required Likin and Duty Receipts, the merchandise will be confiscated. If false reports of distance travelled are made, a fine will be inflicted. If merchandise is shipped or discharged at any save the authorized stages, it will be confiscated, and the steamer will be dealt with as Treaty Rules provide for.

明 須 口 試 章 現 處 其 未 現 口 惟 稅 另 處 湖 一
再 俟 一 辦 先 議 應 餘 查 在 情 因 專 立 應 口 六
議 查 處 湖 行 之 照 五 明 尚 形 湖 章 完 行 一 處 內

8°. HUK'OW:—

At one of the six stages, Huk'ow, a special rule will have to be observed; but as inquiry is still to be made, while business is to proceed in accordance with the present regulations at the other five stages, this one stage, Huk'ow, will for the present be left out till specially arranged for.

高 稍 不 律 關 與 碼 貨 銀 其 核 時 本 各 抽 每 貨 向 無 稅 本 釐 抽 六
下 有 得 均 一 各 應 秤 驗 收 收 價 處 按 二 百 價 就 涉 則 與 金 收 處

9°. WEIGHTS AND MEASURES:—

The Likin collected at the six stages is in no way connected with Tariff Duties. It has hitherto been charged at the rate of *Two per cent.* on the market value of the time and place. Weights and Measures for the examination of merchandise and payment of Likin are to be the same at the six stages as those in use at the Treaty-port Custom Houses.

悉 並 東 不 在 應 寫 近 按 將 該 卡 三 慶 一 江 卡 五 口 口 有 貨 江 以 六
使 沙 逾 六 補 明 次 上 沿 六 共 大 卡 西 二 武 鸚 沙 船 抽 至 處
各 市 大 處 釐 備 序 下 江 處 爲 通 華 套 穴 鸚 市 釐 收 大 自
商 以 通 之 金 查 懸 游 釐 應 九 安 以 陽 口 湖 以 洲 北 卡 往 通 沙
知 西 以 間 卽 其 牌 遠 卡 各 卡 徽 上 安 上 以 北 上 樊 河 查 來 沿 市

10°. LIKIN STATIONS:—

The Likin Stations, for the collection of Likin on passing goods, between Shashih (the stage highest up the Yangtze) and Tat'ung (the lowest), are the following:—

Shashih	} 5 in Hupeh;
Peiho-k'ow	
Yingwu-chow	
Fank'ow	
Wusüeh	
Erht'ao-k'ow	1 in Kiangsi;
Hwayang	} 3 in Anhwei;
Ank'ing	
Tat'ung	

in all *nine* Likin Stations.

The six stages are each to exhibit a List of the Likin stations arranged in order of distance up and down river. As regards the Likin sum-totals to be charged, they are to be calculated for the stations that are between the stages, *i.e.*, not past Tat'ung going east, and not past Shashih going west.

戶 提 究	該 貨 入 官 船	送 貨 撥 貨 者	掛 號 之 民 船	有 私 用 未 會	查 驗 辦 理 倘	官 碼 頭 聽 候	船 撥 出 送 到	號 撥 船 向 輪	之 貨 應 由 掛	船 六 處 起 岸	撥 船 送 上 輪	碼 頭 上 掛 號	金 將 貨 由 官	查 驗 完 清 釐	貨 必 須 聽 候	一 六 處 裝 船 之
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11°. SHIPMENT AND DISCHARGE AT THE SIX STAGES:—

Merchandise for shipment at the six stages must await examination and pay Likin, and must proceed to the River Steamer from the authorized jetty in licensed Cargo-boats.

Merchandise arriving in steamers for discharge at the six stages must be placed in licensed Cargo-boats and sent to the authorized jetty, and must there await examination, etc., etc., etc.

If other than licensed Cargo-boats are used, the goods will be confiscated and the boatmen punished.

詳 報	查 核 以 便 按 結	六 處 副 稅 務 司	紮 江 漢 關 巡 查	本 省 稅 關 及 駐	總 冊 分 別 呈 送	外 國 月 分 造 具	造 具 清 冊 並 按	處 委 員 按 七 日	斤 件 應 由 各 該	金 細 數 及 貨 色	清 款 項 所 有 釐	卡 定 期 彙 解 以	應 分 別 各 還 各	一 六 處 所 收 釐 金
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12°. STATISTICS:—

The Likin collected by the six stages is to be from time to time regularly sent to the Likin stations concerned. Detailed statistics of Likin collected and the quantity and description of merchandise passed are to be reported weekly and monthly by the Wei'yuen in charge of the six stages to the Custom House of the Province concerned, and also to the Deputy Commissioner in charge of the six stages resident at Hankow, in order that from them the Quarterly Reports may be compiled as required.

從 爲 此 八 卽 七 一 年 期 相 碍 宜 如 擬 以
 此 試 章 結 爲 月 日 五 妥 機 之 及 有 試 上
 日 行 可 之 第 初 係 善 酌 處 或 未 辦 各
 開 擬 暫 若 十 一 泰 查 改 隨 窒 事 一 款
 辦 卽 暫 若 十 一 泰 查 改 隨 窒 事 一 款

The above regulations are provisional and experimental for a year, and are to be added to, rescinded and amended as experience and local requirements may dictate. It is proposed that if approved of (by the Tsungli Yamên) they shall come into operation on the first July, 1877, being the first day of the 68th Customs Quarter.

CIRCULAR No. 30 (SECOND SERIES).

Deputy Commissioners' relations with Native officials.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 10th November, 1877.

SIR,

I have to notify the following Service Rule for your guidance:—

Deputy Commissioners are to be introduced to the Chinese Authorities by the Commissioner of the port at which they are stationed, and are, as a general rule, to accompany the Commissioner when making formal calls. When a Deputy Commissioner is transferred to another port, he is to pay formal visits to the Authorities with whom he has been brought in contact, to take leave.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 38 (SECOND SERIES).

Marine: Coast Lights, how to be managed in the northern and southern sections by the central offices, Amoy and Shanghai.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 15th January, 1878.

SIR,

For your information and guidance I append a Memorandum concerning arrangements that are to be given effect to in the management of the Coast Lights. Its main feature is, that, while Shanghai, as the central port of the Northern Section, is merely to provide the supplies required for the Lights that Section contains and the various Commissioners continue to otherwise manage the Lights in their respective districts, Amoy, as the central port of the Southern Section, is not only to provide supplies but is to have the

general management of all the Lights in the Southern Section. By Southern Section is meant the Coast south of Wênchow, and by Northern the Coast north of that port.

The arrangement now notified is to be in force on and after the 1st April.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

MEMORANDUM OF ARRANGEMENTS TO BE IN FORCE IN
THE MARINE DEPARTMENT, 3°, LIGHTS.

1.—Supplies required for Lighthouses and Lightships north of Wênchow, *i.e.*, in the Northern Section, are to be provided by the Shanghai, for those to the South of Wênchow, *i.e.*, in the Southern Section, by the Amoy Customs.

2.—In the Northern Section, each Commissioner will pay the Lightkeepers, etc., in his district and will enter their pay and the other expenses incurred for Lights, etc., in his C Account in the usual way, but, in the matter of Supplies, while he is to apply to the Shanghai Commissioner for whatever he may require in the shape of oil, stores, etc., it is only in the Shanghai Accounts that expenditure for stores, etc., thus obtained is to appear.

3.—In the Southern Section, not only will the Supplies required be furnished by the Amoy Customs, but the pay and other expenditure incurred for each Light will be there issued and accounted for: that is to say, the Lighthouses in the Southern Section, and the Keepers thereat stationed, are no longer to be controlled (except as provided for in par. 7) by the Commissioner of the Customs District concerned, but by the Amoy Office.

4.—Special instructions will be sent to the Shanghai and Amoy Offices concerning the composition of the Lights Staff of the Section: for the purposes of this Memo. it will here suffice to say that in each section there will be a Lighthouse Engineer and Mechanic, and a Revenue Steamer to communicate regularly with

the Lights, and that, while one "European" in charge will be allowed for each Light, the Assistant Keepers are as far as possible to be Manilamen and Macoese.

5.—The District Commissioners in the Northern Section are hereby instructed to examine their Lights Accounts immediately, and before the end of March send lists to the Shanghai Commissioner in triplicate

1° of the things they require for the remainder of the year 1878, and

2° of the things they will require for the year 1879.

Similarly, in each subsequent March (1879, 1880, etc.), they will send lists of the things required to be supplied to them for the use of each following year (1880, 1881, etc.).

6.—The District Commissioners in the Southern Section are hereby instructed to examine their Lights Accounts immediately, and send to the Amoy Commissioner before the end of March a list of the things the Lights in their District are in need of for the remainder of the year 1878.

7.—In the Southern Section, Lights and Keepers are to be managed and controlled from Amoy. Each District Commissioner will continue however to have charge of and provide for any Harbour Light that may be in existence, together with the Buoys and Beacons in his Port or its approaches. Should it at any time be necessary for the Amoy Commissioner to write to the Chinese Authorities about matters connected with a Light, he will send his letter open through the Commissioner concerned, and the latter will be looked to to do his best to assist the Amoy Commissioner to effect his object; and, similarly, should any disturbance or trouble occur at a Light, provoking the notice or requiring the intervention of the Chinese Authorities, the District Commissioner is to move in the matter and is at the same time to acquaint the Amoy Commissioner with his action and intentions. What the Amoy Commissioner will have to do with will be mainly to carry on the current work of the Lights: he will appoint, transfer, relieve and pay the Keepers,—he will provide supplies for the Lights and attend to their maintenance in repair,—and he will see that the Lights are regularly communicated with; where, over and above the kinds of work enumerated, action of another kind is called for, the District Commissioner will probably have to intervene.

ROBERT HART,
Inspector General.

PEKING, 15th January, 1878.

CIRCULAR No. 46 (SECOND SERIES).

Civil Rank, notifying bestowal of, on Commissioners and
Deputy Commissioners.INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 20th February, 1878.

SIR,

1.—I enclose copy of a despatch from the Yamên, from which you will see that an Imperial Decree has been received conferring Civil Rank of the Third class on Commissioners of Customs, and of the Fourth class on Deputy Commissioners.

2.—The Commissioners named in this Decree are

Mr. Glover,	Mr. G. Hughes,	Mr. Hannen,
Mr. White,	Mr. Kleinwächter,	Mr. Wright,
Mr. Kopsch,	Mr. Drew,	Mr. Man,
Mr. Detring,	Mr. J. H. Hart,	Mr. Campbell,
Mr. Woodruff,	Mr. Cartwright,	Mr. Hobson,
Mr. Bredon,	Mr. Taintor,	Mr. Hammond,
Mr. H. O. Brown,	Mr. Novion,	Mr. Jamieson,
Mr. McKean,	Mr. Daae,	Mr. J. McLeavy
		Brown,
Mr. Simpson,	Mr. W. T. Lay,	Mr. Moorhead.

On all these the *San P'in Hien* has been conferred.

3.—The Deputy Commissioners named in the Decree are

Mr. Noetzli,	Mr. Smith,	Mr. T. M. Brown,
Mr. Twinem,	Mr. Hippiisley,	Mr. Ohlmer,
Mr. Rubery,	Mr. Clayson,	Mr. Rocher,
Mr. T. F. Hughes,	Mr. de Bernières.	

On all these the *Sze P'in Hien* has been conferred.

4.—From the list of Commissioners named in the Decree, it will be seen that the name of Mr. Huber is absent: this is so owing to the fact that Civil Rank of the Third class had already been conferred on that gentleman (and the late Mr. Macpherson) for services in Cuba.

5.—The *San P'in Hien* entitles its holders to be styled *Ta-jên*, and the *Sze P'in Hien* carries with it the title of *Ta-laoyeh*. Commissioners will do well to see that letters are addressed accordingly.

6.—I feel much pleasure in being able to circulate this information before leaving China, and I wish it to be read in connection with the *Tenth* paragraph of Circular No. 4 of 1866.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

大清欽命總理各國事務衙門

劄行事前據總稅務司呈請獎勵各口稅務司副稅務司等情當經本衙門咨行南洋大臣等核辦嗣據南洋大臣等奏請援案給獎奉

旨該衙門議奏欽此復查據總稅務司將各員現在職階繕單請照復奏本衙門於光緒四年正月十二日具奏聲明將出缺之稅務司狄妥瑪一員扣除外其稅務司吉羅福休士惠達康發達雷德葛顯禮滿三德金登幹吳得祿好博遜裴式楷廷得爾那威勇哲美森吉德德益柏卓安十七員又兼充賽奇會事之稅務司漢南杜德維德瑾琳赫政葛德立哈捫德博郎七員由副稅務司升補稅務司之辛盛李華達穆和德三員均請

賞給三品銜內博郎一員前已加提督銜併請

賞給三品文職銜所有稅務司等前在賽奇會出力之處應即併案辦理副稅務司那士禮史密鮑朗屠邁倫賀璧理阿理文盧丕理葛雷森雷樂石許妥瑪穆意索十一員均請

賞給四品銜嗣後各口收稅得力稅務司應令請至三品銜副稅務司應令請至四品銜為止以示限制等因軍機大臣奉

旨依議欽此除行文南北洋大臣遵照辦理外相應劄知總稅務司查照飭知可也須至劄者

右劄布政使銜總稅務司赫 准此

光緒 肆年 正月 拾肆日

總字第捌百捌拾伍號

爲

CIRCULAR No. 47 OF 1878 (SECOND SERIES).

Retiring Allowances: regarding payments, and reason why only some have been made.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 25th January, 1878.

SIR,

1.—In my Circular No. 5, Second Series,* I acquainted you with the arrangements made in the matter of Retiring Allowances. At the date of writing that Circular, there was no balance at the credit of the *A* Account, and the Office allowance at its increased rate had only commenced to be issued during the preceding quarter. It was therefore necessary to wait for funds to accumulate a little before beginning to pay off any Retiring Allowances. A commencement was however made last year when two years' pay was issued to the ten first names on the general In-door List, and recently ten other members of the In-door Staff have been similarly paid: all these had served some years beyond the completion of their second septennial period. It is estimated that three or four years must yet pass before the working of the scheme can be brought up to date, but the payments will be made as regularly and as speedily as accumulation of funds will admit of.

2.—In my Circular No. 35, Second Series, I called for lists of the Chinese employés entitled by length to look for the gratuities the same scheme provided. The lists called for have not yet all come in, and as want of funds is as much a reason for holding back some of the payments on the Chinese side as on the foreign, I am now only sanctioning a partial issue, viz., at Tientsin, Hankow, Shanghai and Foochow. The employés at the other Ports must wait a little longer.

3.—Inquiry has been made on several sides about the probable time of issue of payments on account of Retiring Allowances, and it has even been hinted that claims for interest have been discussed and are regarded as claims which ought to be satisfied. For the information of all such inquirers, I think it well in this Circular to call attention to two considerations, namely, that as regards the delay, the inquirers ought themselves to have understood that till funds accumulate payments cannot be made, and that, as regards interest, not only are there no arrangements made for adding

* *Vide antea*, pp. 361–363.

interest to this free and generous gift of the Government, but the issue of the principal itself must in each case depend on the opinion of the Inspector General as to whether it is or is not merited by the individual.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 48 (SECOND SERIES).

Commissioners' Interviews, etc., with Chinese officials to be reported to I.G.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *27th February, 1878.*

SIR,

1.—I find it necessary to repeat and also to somewhat extend the instructions formerly issued respecting reports to be made to the Inspector General of interviews and correspondence with Chinese Officials.

2.—The official most frequently met by each Commissioner is of course his Chinese colleague the Superintendent, and interviews with that functionary naturally have reference for the most part to the current work of the Custom House. As it would occupy too much time and would in fact serve no useful purpose to report all such interviews or forward copies of all such correspondence, it must be left to the discretion of Commissioners to report or not according to circumstances; but where the conversation or correspondence relates to any debated question likely to be referred to Peking, or to novel suggestions, or to matters other than Customs', report should be invariably made of what has transpired at such interviews, and copies of all such correspondence should be furnished.

3.—It is only at the ports where there are officials of a higher rank that Commissioners are likely to see and correspond with others in addition to the Superintendent,—as at Canton, Foochow, etc. With such officials correspondence may or may not have

reference to Customs business, but the relations that grow up between such officials and the Commissioner have their origin in the fact that the latter is there as Commissioner of Customs by appointment of the Inspector General of Customs. All such interviews must be reported and whatever transpires at them must be narrated in detail, and of all correspondence that passes copies must be furnished, for the Inspector General's information. Further, should a Commissioner be consulted, no matter about what business, by any Chinese official other than his colleague the Superintendent, it will invariably be his duty to reply that he will report to the Inspector General and take the Inspector General's instructions respecting it.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR NO. 49 (SECOND SERIES).

**Inspector General's absence from China: arrangements for
conduct of business.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 28th February, 1878.

SIR,

1.—I am about to proceed to Europe on duty, and unless recalled sooner, shall not be back in China before October. During my absence the work of the Inspectorate General will be carried on in the manner provided for in the spring of 1875: at that time it was arranged with the Yamên, that in the event of the Inspector General's illness, disappearance or death, the work of the Inspectorate General should be carried on without hitch or break, in accordance with some rules then drawn up and agreed to, and pending the notification of other arrangements or issue of other instructions, by the Chief Secretary and Chinese Secretary conjointly. At this date the Chief Secretary and Chinese Secretary are, as you know, the Commissioners of Customs, Mr. Bredon and Mr. Cartwright, and it is by them accordingly that the work will be carried on till my return.

2.—You will address your official despatches as hitherto to the Inspector General, and your fortnightly semi-official or private letter (*vide* your letter of appointment, § 6) to the Chief Secretary.

3.—Despatches and Circulars to your address will as a rule be signed in consecutive series “For the Inspector General” by both Secretaries; and it will be your duty to give effect to all instructions or suggestions contained in such despatches as though emanating from the Inspector General himself. Should either Secretary be ill, the other will of course have to carry on the duties of both for the time being. While acting in this way ‘for the Inspector General,’ all disciplinary powers possessed by the Inspector General may be exercised by the Secretaries concerned.

4.—As the head of the Service I have felt more at my ease since the arrangement referred to was first made, for, in the event of my prolonged stay in China and constant work resulting in a sudden collapse or serious illness, the duties of the post would continue to be performed without any interruption, while the interests of the Service generally, and of all its members, would be less likely to be damaged and more likely to be provided for and safeguarded; and now that I am to be away for some months on duty, I am of opinion that the same arrangement is the best to be made in the general interest: I have only to add that it is approved of by the Yamên.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 51 (SECOND SERIES).

Customs Regulations: draft sent to ports for suggestion of additions.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 13th June, 1878.

SIR,

1.—It is proposed to issue a set of General Customs Regulations applicable to all the ports accompanied by Special Local Regulations for each port. A draft of the former is appended, and we have now to instruct you to draw up, in English and Chinese, a set of Rules, supplementary to the General Regulations, to provide for the local requirements of your port. Any addition to, or modifications of, the General Regulations which you may consider desirable should also be pointed out, but suggestions on this head should not contravene existing Treaty stipulations. The Regulations now in

force have been somewhat modified in practice, and in some cases do not harmonize with present procedure.

2.—Your reply should reach the Inspectorate General not later than September 15th.

We are, etc.,

(signed) R. E. BREDON,* *Chief Secretary,*

„ WILLIAM CARTWRIGHT,† *Chinese Secretary,*

For the INSPECTOR GENERAL.

ENCLOSURE.

GENERAL CUSTOMS REGULATIONS.

DRAFT.

PART I. FOR SHIPPING.

1.

Customs Officers will board ships entering the port and inspect them after clearance outwards. They may claim access to any part of a ship at any time during her stay in port, and may seal the holds

Customs
Regulations
Draft
proposed.

* Mr. (afterwards Sir) R. E. Bredon was born at Portadown, Ireland, on the 4th February 1846. He was educated at Trinity College, Dublin, where he graduated M.A., M.B., M.Ch. Served as Surgeon to the 97th Regiment. Joined the Customs Service September 1873. Served as Commissioner at Chefoo, Ningpo, Canton, Hankow, and Shanghai, and was Chief Secretary at Peking on various occasions. Appointed Deputy Inspector General 1st July 1898. After the Boxer uprising Bredon was in charge for four years (October 1900 to September 1904) of the branch office of the Inspectorate at Shanghai and, during Sir Robert Hart's last furlough, served as Acting Inspector General from April 1908 to April 1910. Died at Peking 3rd July 1918. Sir Robert was an Associate Member of the Treaty Revision Commission of 1902. Among his numerous decorations and honours the following may be cited: Civil Rank of the 1st Class (1910); Order of the Double Dragon, 2nd Division, 2nd Class (1904); Brevet Title of Pu Chêng Ssu (1904); Officer of the Legion of Honour, France (1878); Knight Commander of the Order of St. Olaf, Norway (1908); Grand Officer of the Order of the Rising Sun, Japan (1910); Knight Commander of the Order of the Polar Star, Sweden (1910); Knight Commander of the Order of Dannebrog, Denmark (1910); Grand Cross of the Order of St. Stanislaus, Russia (1909); Grand Cross of the Order of Francis Joseph, Austria (1909); and K.C.M.G., Great Britain (1904).

† William Cartwright joined the Customs Service in August 1863, and shortly afterwards was made Secretary to the Inspector General. He served in various capacities at Foochow, Amoy, Taiwan, Canton, Tamsui, and Hankow, and as Chinese Secretary on three occasions—1875–76, 1887–89, and 1889–93. He was appointed Commissioner in January 1873 and retired from the Service in May 1895. He held Civil Rank of the 3rd Class; Pao Hsing of the 1st Class; Order of the Double Dragon, 3rd Division, 1st Class; and Chevalier of the Order of Francis Joseph.

or other compartments of the vessel containing cargo during the night or non-working hours. All mails, letters, etc., to Customs address are to be delivered to the boarding officer.

2.

Masters must deposit their Ship's Papers with their Consul (if they have no Consul, then with the Consul of a friendly Power or with the Customs) within 24 hours after entering the port. For failing to do this within 48 hours the Shipmaster is liable to a fine of 50 dollars for each day's delay; the total not to exceed 200 dollars. The papers of Non-Treaty-Power vessels must be deposited with the Customs. No fees will be charged by the Customs for the custody of Ship's Papers.

3.

Masters are also required to furnish the Customs with a Manifest which must contain a true and full account of all the cargo on board, whether to be discharged at the particular port or not, giving marks, number of packages, description, etc.; and if the cargo shall have been laden at more than one port, a separate Manifest for each port is required. The Master is responsible for the correctness of the Manifest, and it must be signed by him. For presenting a false Manifest he is liable to a fine not exceeding *Tls.* 500; but he will be allowed to correct any mistake he may discover within 24 hours after its delivery to the Customs Officers without incurring this penalty. Duty-free goods are also to be placed on the Manifest.

4.

The Ship's Papers having been duly lodged with the Consul or Customs, and the Import Manifest having been received, Permits to break bulk and land the cargo will be granted on the receipt of applications specifying the number of packages, with their marks, weight, quantity, and such like particulars. If cargo, whether liable to duty or not, be unshipped without such Permit stamped by the Customs it is liable to confiscation, and the Master breaking bulk without permission, to a fine not exceeding *Tls.* 500.

5.

Before shipment of goods Permits to Ship must in like manner be obtained. Goods shipped without such Permits are liable to confiscation. Vessels shall not without a Special Permit begin to load until all their Import cargo is discharged. As a general rule the Special Permit will only be granted to expedite the business of steamers, and when it is necessary for the safety of the vessel. Cargo for which a Permit has been issued, but which cannot be

received on board must be brought to the Customs Jetty for examination before being re-landed. Goods transhipped without special permission are liable to confiscation.

6.

Except under special permission, the place for shipping or unshipping cargo and ballast is confined to the limits of the anchorage, and the time—excluding Sundays and Holidays—between sunrise and sunset. All cargo must be brought to the Customs Jetty for examination (unless by special permission the examination is authorized to take place elsewhere): Import cargo before it is landed, and Export cargo before it is shipped.

7.

When the loading of a vessel is completed a Manifest of her Outward cargo must be handed in to the Customs signed by the Master. It must contain an account of the particulars—marks, numbers, and contents—of every package on board. If any part of the Inward cargo is re-exported in the same ship, the particulars must be reported on the Export Manifest.

8.

Tonnage Dues are payable when the ship has been 48 hours in port, or before then as soon as any cargo has been shipped or unshipped, or if Passengers are landed or received on board. The four months' Tonnage Dues Certificate to which a vessel clearing for a Chinese port, for Hongkong, for a port in Japan, in Cochin China, in the Philippines, or in the Russian territory on the Pacific, is entitled, dates from the day on which the vessel's Customs Clearance is issued. It must be handed in to the Customs Office at the same time as the Manifest. Vessels entering a port for shelter are exempt from Tonnage Dues provided their lading remains unchanged.

9.

Customs Clearance or Grand Chop will be granted when all dues and duties connected with the vessel and her cargo have been duly paid, and provided all Customs Regulations have in like manner been complied with. Vessels detained in port more than 48 hours after clearance must re-enter at the Customs, and deposit their Papers anew with the Consul or Customs. Failing to do this Shipmasters become liable to all the penalties incurred for neglecting to report on first entry.

10.

All Cargo-boats will be registered at the Customs, and their numbers will be painted on them at both head and stern in English and Chinese. No cargo can be landed, shipped or transhipped, without special permission, except in duly Registered Cargo-boats.

11.

Trade in the following articles, viz.: gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols, saltpetre, sulphur, spelter and all other Munitions and Implements of war, and salt is prohibited; if found on board any vessel in Chinese waters beyond what is required for self defence or Ship's use, they will be seized and confiscated, unless, being the property of the Chinese Government, they are protected by Certificates, countersigned by the Customs, authorizing their transport. The export to a Foreign port of the following articles, viz.: Copper cash, rice and other grain and their products is likewise prohibited; but they may be carried from one Treaty Port to another under "bond guaranteeing their due delivery." Any vessel violating these provisions is liable to be prohibited from trading further, and may be sent away as soon as her accounts shall have been adjusted and paid.

12.

Merchant vessels are not entitled to resort to other than the Ports of Trade declared open by Treaty. They are not unlawfully to enter other ports in China, or to carry on clandestine trade along the coasts thereof. Any vessel violating this provision will, with her cargo, be confiscated by the Chinese Government.

PART II. DECLARATION OF GOODS, PAYMENT OF DUTIES,
AND OTHER CUSTOMS BUSINESS.

13.

The Ship's Papers having been duly lodged with the Consul or Customs, and the Import Manifest received, Permits to land the cargo will be granted on receipt of application describing the goods to be landed, specifying the marks and numbers, weight, quantity, etc., and stating the port from whence they arrived. In the case of goods paying duty *ad valorem*, the value must be stated. To ensure clearness, applications should be made out on Customs forms, and to save time in translating, should be made out in both English and Chinese.

14.

Except where vessels have permission to be alongside wharves, hulks, etc., Import cargo must be placed in registered Cargo-boats and brought to the Customs Jetty for examination before being

landed. It will be released therefrom after examination and payment of the Import Duties.

15.

When Import cargoes are discharged into godowns, hulks, etc., or brought to the Customs Jetty, under a general Discharge Permit, the goods must not be removed therefrom except under the authority of a 'Release Permit,' which will be issued after examination and payment of duty if so liable. A breach of this rule will entail the confiscation of the goods so removed, and the privilege will be refused for the future.

16.

Goods intended for exportation must be sent to the Customs Jetty for examination. An application made out on the prescribed form, and in English and Chinese as with Imports, giving a full statement of the description and quantity of the goods, the vessel by which they are to be shipped, and the port of their destination, must at the same time be handed in to the Customs Office. The goods will be released for shipment by the issue of an Export Permit after examination and payment of duty, if so liable. Cargo for which Export Permit has been issued, but which cannot be shipped, must be brought to the Customs Jetty for examination before being re-landed. A 'Shut-out' Certificate will be issued authorizing its shipment on a future occasion without further payment of duty, but, prior to shipment, the goods must be brought to the Customs Jetty for verification, and a new Export Permit obtained.

17.

Import Duties are payable on the landing of goods, and Export Duties prior to their release from the Customs Jetty for shipment, either in sycee silver or in foreign money, whose relative value to pure silver has been fixed by a Government assay. The money must be paid into the authorized Customs Bank, and applicants will be provided with Customs Memorandum setting forth the amount due, which must be exchanged for the Banker's receipt, to be handed in to the Customs Office in proof of payment.

18.

Foreign goods, after payment of Import Duties, may be re-shipped to another Treaty Port, and provided their original marks and condition remain unchanged, Exemption Certificate will be granted by which they are freed from a second payment of Import Duty at the Port of discharge; or, at the merchant's option, the first duty may be returned by Drawback, and collected again when the goods are re-landed. Similarly if re-exported abroad,

within three years from the date of first importation, a Drawback will be issued for the amount of Import Duty originally paid.

19.

Native produce may be shipped from one Treaty Port to another on payment of Export Duty at the port of Shipment and Coast Trade Duty (*i.e.*, Half Import Duty) at the Port of discharge. It may further be re-shipped to a foreign port provided the intention to re-export was stated at the time of importation, that the re-exportation takes place within twelve months from the date of importation, and that the produce be in the same condition as when imported, or in a new condition the change to which has been duly authorized by the Customs; all of which conditions being fulfilled, no Export Duty will be levied, and the Coast Trade Duty collected will be returned by Drawback.

20.

Native produce in transit intended for re-exportation to a Foreign country may be repacked under Customs supervision provided it was entered for re-export on arrival. The application for 'Permit to Repack' must give full particulars of the contents of the Packages and the changes it is proposed to make in their condition. Unauthorized or clandestine opening of packages without previous report to, and inspection and issue of Permit to Repack by, the Customs, will entail the forfeiture of the Coast Trade Duty paid on entry, and will subject the goods concerned to the payment of full Export Duty on shipment. Changes affecting the nature or quality of merchandise repacked or the addition of other goods will render the whole liable to confiscation.

21.

Drawbacks are issued for the return of Import Duty on Foreign goods and Coast Trade Duty on Native produce, re-exported, provided re-exportation takes place within three years in the former case, and one year in the latter. Drawbacks of the first kind may be either used in payment of full duties, or exchanged at the Customs Bank for ready money at the option of the merchant. Drawbacks for Coast Trade Duty can only be used in payment of Coast Trade Duties. Drawbacks will be also issued when duty-paid Foreign goods are reshipped for a Treaty Port (the Yangtze ports excepted) provided Exemption Certificates are not applied for. Drawbacks must be applied for specially (*i.e.*, a special and separate application called a Drawback Application must be presented) and the Bill of Lading for the goods concerned must be submitted for inspection in proof that the shipment has taken place.

22.

Duty-paid Certificates on Native produce shipped for conveyance to another Treaty Port (the Yangtze ports excepted), and Exemption Certificates to cover duty-paid Foreign goods, will be forwarded by the Customs to the port of destination. The former documents need not be specially applied for, but when an Exemption Certificate is required (shipments to the Yangtze ports excepted) it must be stated on the Export Application, otherwise a Drawback will be issued, and the goods charged duty again at the port of discharge.

23.

In cases when Bonds are required they must, when the parties concerned are foreigners, be signed before their Consul with two sufficient sureties, and must bear the Consular seal.

24.

A reduction of duty, proportionate to their deterioration, will be allowed on damaged goods, but such claims must be made prior to payment of duty; otherwise they will not be entertained.

25.

Transit Passes are issued for the conveyance to the interior of merchandise of *bonâ fide* foreign origin which, under their protection, will be exempt from all duties, taxes and charges whatsoever *en route* from the port to the place of destination. They are valid for 6 months from the date of issue, at the expiry of which term, or sooner, they must be returned to the Customs to be cancelled. Transit Passes must always accompany the goods they cover, and must be produced for inspection whenever called for. Applications for Transit Passes must state the particulars of the original importation, the destination of the goods, and the route by which they are to travel, and the goods concerned must be sent to the Customs Jetty for verification. The Transit Duty must be paid prior to the departure of the goods from the Customs Jetty.

26.

Native produce purchased in the interior for Export abroad may be conveyed to the port of shipment on payment of Transit Dues and without being liable to the duties and taxes levied at the Customs Stations and Barriers passed *en route*. The merchant will, on presenting a written application stating the nature and quantity of the goods he intends to purchase and the inland market from which he proposes to bring them, be furnished with a blank Memorandum (報單) on which he is required to enter detailed particulars of the goods to be transported. This Memorandum is to be handed in at the first Customs Station or Barrier passed

and exchanged for a Transit Certificate (運照), after the goods have been verified by examination. The Transit Certificate protects the goods as far as the 'last barrier' (*i.e.*, the barrier nearest the port) where it must be surrendered. The goods are not allowed to pass the last Barrier until after payment of Transit Dues and issue of Release Permit by the Customs. Unauthorized sale *in transitu* of goods that have been entered as above for a port will render them liable to confiscation. Permission to export produce which cannot be proved to have paid Transit Dues, or the local duties or taxes in lieu thereof, will be refused by the Customs until the Transit Duties have been paid.

27.

The premises of warehouses or vessels where goods are stored in Bond shall at all times be open to the inspection of Customs Officers, and special measures may be taken by them to insure that their contents remain undisturbed unless under proper authority.

28.

Whenever a ship or goods belonging to a foreign merchant is seized by the Customs for breach of Regulations, the Merchant may appeal through his Consul for a public investigation, which will be conducted by the Superintendent of Customs and the Consul conjointly. In cases where the breach of regulations is punishable by fine, the amount will be recovered by process in the Consular Court having jurisdiction.

The Offices of Customs are open for the transaction of business from 10 A.M. to 4 P.M. daily, Sundays and Holidays excepted.

All applications, letters, etc., regarding Customs business should be addressed to "The Commissioner of Customs."

CIRCULAR NO. 52 (SECOND SERIES).

Chinese Legations abroad, further appropriation of
Customs Revenue for.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 9th July 1878.

SIR,

In November 1876, the Imperial Authority was obtained for the appropriation of a certain portion of the Foreign Customs Revenue to meet the expenditure of the Chinese Legations abroad. From the 6/10ths of the collection from Foreign shipping retained

for use in the provinces, 1 10th was set apart, to be remitted regularly at the end of each quarter, commencing with the 65th (December quarter, 1876), to the Shanghai Taotai for this purpose. At the instance of the Tsungli Yamên and the Board of Revenue this has now been increased by the half of 1 10th, or in other words from 10 to 15 per cent.; and a similar contribution is now to be made from the duties received from the vessels of the China Merchants' Company. The new arrangement is to take effect from the 71st quarter (June quarter, 1878), the remittance being made to the Shanghai Taotai as before. Instructions to this effect have been sent through the Imperial Commissioners for Trade to the Superintendents at all the ports, and, by direction of the Tsungli Yamên, you are hereby made acquainted with them. Excepting the Shanghai Commissioner, who has special instructions in this connection, you are not required to take any steps with regard to remittance, etc., unless you are requested to do so by the Superintendent.

We are, etc.,

(signed) R. E. BREDON, *Chief Secretary*,
 „ WILLIAM CARTWRIGHT, *Chinese Secretary*,
 For the INSPECTOR GENERAL.

CIRCULAR No. 89 (SECOND SERIES).

**Postal Service*: experimental establishment at the northern ports,
 and proposed gradual extension.**

INSPECTORATE GENERAL OF CUSTOMS,
 PEKING, 22nd December 1879.

SIR,

1.—I have decided upon the continuation of the Postal work done since the spring of 1878, as an experiment, by the Customs at the Northern Ports and Peking; and upon extending the system gradually to the other ports.

* By Article IV of the Treaty of Tientsin (1858) the Chinese Government agreed to allow for the carriage of British Legation mail between Peking and any point on the seacoast the Minister might select—a privilege open, by the “most favoured nation” clause, to all other Legations. After the establishment of the Inspectorate at Peking in 1865 the Tsungli Yamên turned over to the Customs the responsibility of making up and distributing these mails, which for the overland service during the winter involved the establishing of Postal Departments at the Inspectorate and in the Custom Houses at Shanghai and Chinkiang. For the transmission of mails during the open season by ocean steamers Postal Departments had to be opened at Tientsin and other coast-port Custom Houses. So successful was this Customs Post that in 1878 China was invited to join the International Postal Union. That step, however, had to be deferred, as the I Chan (驛站), or Official Courier, service, the Min Chû (民局), or popular letter hong, and the foreign postal agencies in China had not then been absorbed or eliminated. It was not till 1896 that a Decree was issued creating an Imperial Post for all China (*vide* Circular No. 706).

2.—Mr. Detring,* Commissioner of Customs at Tientsin, will act as my Commissioner for Postal matters, and regulate, as such, the working of the various Postal Departments. The Central Office will therefore for the present be at Tientsin.

3.—The directions which Mr. Detring, in purely Postal matters, will hereafter issue are to be given effect to by you.

4.—I shall thank you for giving to the Postal undertaking your earnest attention, and for furthering it with all the means of which you can dispose, without detriment to the efficiency of the Revenue service or increasing current expenditure.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 90 (SECOND SERIES).

Postal Service: accounts, how to be kept, rendered, etc.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 22nd December 1879.

SIR,

1.—In continuation of my Circular No. 89, Second Series (Postal No. 1), respecting the continuation and extension of the

* Gustav Detring was born on the 28th December 1842 at Jülich, in Prussia. He joined the Customs Service on the 15th April 1865 and was appointed to Amoy as 4th Class Clerk. During his long career in China of almost 48 years, Detring served in various capacities at Amoy, Peking, Shanghai, Canton, Chinkiang, Tamsui, Ningpo, Chefoo, and Tientsin. He was appointed Commissioner on the 14th March 1872, and in the following year was one of the Commissioners at the Austro-Hungarian Exhibition at Vienna. He also served as Commissioner to the Philadelphia Centennial Exhibition in 1876 and at the Paris Exhibition of 1878. While in charge at Canton in 1884 he formed a close friendship with the Viceroy Li Hung-chang, a friendship broken only by the great statesman's death in 1901. Detring's incursions into politics were not always happy, but he was a devoted servant of China, and during his incumbency as Commissioner at Tientsin did more than any other foreigner for the development and trade of the port. In 1904 he proceeded to London with His Excellency Chang Yen Mao, Director General of the Chinese Engineering and Mining Company, to take action for the recovery of the control of the company and its property from the English company which had been formed to hold the property during the time of the Boxer uprising. The verdict was in favour of Chang Yen Mao. During the last five years of his life Detring continued to reside at Tientsin, and, although holding the rank of Commissioner, devoted his attention to the affairs of the company. He died at Tientsin 4th January 1913. Among his many decorations and honours were: Civil Ranks of the 3rd and the 2nd Classes; Button of the First Class Order of the Double Dragon, 2nd Division, 1st Class; Commander of the Order of the Rose, Brazil; Commander of the Order of Christ, Portugal; Order of the Red Eagle, 3rd Class, and Order of the Crown, 2nd Class, Prussia; and Officer of the Order of Leopold, Belgium.

Postal experiment, I have now, with a view to simplify the rendering of Postal Accounts and Returns, to issue for your information and guidance the instructions following hereunder.

2.—The Commissioner for Postal matters will be furnished with the funds required to meet the expenditure arising from the establishment and maintenance of all Customs Postal Departments, and will be required to account to the Inspectorate General for all receipts and expenses of the various Departments in accordance with the special instructions which will be issued on the subject.

3.—The Commissioners of Customs at the various ports where the Customs Postal Departments have been or will be thrown open to the public are to keep a separate *Postal Account*, i.e. a Cashbook in which all receipts and expenses of the Department must be entered.

As *Receipts* will figure the sale of Postage Stamps, the collection of postage generally and the grants which in support of the Department will be made by the Central Office.

As *Expenses* are to be noted the salaries and wages of all employes who on the 1st April 1878 were not in Customs pay, having subsequently been taken on and employed as couriers, letter carriers, etc.; and, further, all incidental expenditure—rent of buildings, etc.—incurred in connection with the service; and, also, any remittances made to the Central Office. Not to be charged in the Postal Cashbook are the salaries or wages of employes figuring on the Customs Pay Lists before the 1st April 1878, and only temporarily detached for postal duty.

4.—If the funds required for the maintenance of Postal Departments cannot be obtained in due time from the Central Office, the Commissioners are authorized to make an adequate advance from Customs funds (Account A), but the advance thus made must be refunded as soon as the receipts of the respective Postal Departments will permit.

5.—In proof of every item of Postal expenditure exceeding *Hk.Tls.* 4.00=£6.00, vouchers must be obtained in duplicate.

6.—At the end of every quarter a copy of the entries made in the Postal Cashbook during the same must be furnished to the Central Office, supported by vouchers.

The copy of the Cashbook must be signed by the Commissioner of Customs and the Assistant in charge of the Accountant's Office in proof of its correctness.

7.—The stationery required for Postal work, as far as it can be done conveniently, is to be supplied by the Customs from the stock on hand. Postal forms will be furnished by the Statistical Department, Shanghai.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 106 (SECOND SERIES).

Out-door Staff, I.G.'s views as to the best use to be made of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 21st May 1880.

SIR,

1.—Various representations have been made to me during the last few years respecting the Out-door Staff, some condemning the *Examiners* for not working efficiently, and suggesting the employment of a special class of highly-paid experts, and others complaining that the *Tidewaiters* are numerically far below the requirements of the ports, and suggesting a very considerable increase in numbers and expenditure; I now think it right to make some remarks, in reply, in this connection.

2.—As regards *Examiners*, several qualities are required in a really good Examiner, such as honesty, intelligence, knowledge of goods, knowledge of the language, knowledge of the Tariff, quickness and correctness in calculations, method and exactness in records, etc., etc., etc. The more of these qualities an Examiner possesses, the better will he do the work of examination; but it is difficult to find men who possess them all, and many years must be allowed for experts to be produced. On the other hand, I know that we have a few exceptionally good men among the *Examiners*, and I feel satisfied that the work all do is useful work. It appears to me, however, that the efficiency of *Examiners* has been questioned mainly because too much has been expected of them, or because, allowed or required to do too much and too many things, they have not been

able to give proper attention to the few things really demanding attention. That this is so will be seen if the reason for employing Examiners is examined.

What is an Examiner's chief duty? It is twofold; first of all to determine quality, and secondly to verify the grounds for inferring quantity.

If Examiners are told to confine themselves to Examiners' work thus described, there is no reason why a few years' training should not produce excellent Examiners; but if, in addition to determining quality and verifying quantity, Examiners are required or allowed to calculate duties, keep returns, record work, etc., etc., etc., their time will be so taken up with unnecessary work that satisfactory results will never be secured.

I wish you, therefore, to see that it is kept in view why Examiners are employed, viz., to check the reports of merchants and the doings of Chinese Examiners by such an inspection of goods as shall suffice to determine their designations and qualities, and by such a calculation of the contents of the specimen parcels examined as shall tend to verify quantity or the totals on which owners desire to pay duty. I do not see that Examiners need calculate duties, and the record each keeps of his work should be of the simplest kind—if, indeed, any other record than his initials on the merchants' applications should be required.

3.—As regards *Tidewaiters*, it must not be forgotten that we have to pay much higher wages than men performing the same duties are allowed in Europe, and that consequently the expensiveness of such a staff must always cause its numbers to seem below the required strength; but if it is at the same time remembered that the employment of Tidewaiters does more to protect the revenue by the uncertainty thereby established as to where they will be met and what they will do, than by the actual work they perform, and that there are various ways of utilising such a staff so as to make its few members do duty for many, the demand for more men will be less frequently advanced.

A man apiece for each vessel in port would not suffice for the performance of every conceivable act that the words "duties of a Tidewaiter" might be stretched to cover. Not only can I not supply a man apiece for every vessel in port, I cannot employ as many men as there are vessels at work. With so limited a staff, the best arrangements possible have been made for their division among

the ports, suggested on the one hand by the size of each anchorage, and on the other by the amount and nature of business done there. With the staff allotted him, each Commissioner must do the best he can.

Just as Examiners are employed to determine quality and verify quantity from musters, thereby proving that the merchants' applications for permits agree with the goods he is moving, so Tidewaiters may be said to be on duty to see that permits accompany the movement of goods or vessels, and that goods in movement, in respect of quality and quantity, correspond with the permits, thereby proving that the merchants' goods agree with the Customs' permit; and just as Examiners do not examine complete lots, opening every package and proving every piece, so, too, Tidewaiters can neither tally everything that enters or leaves port nor follow each package between ship and shore. Notwithstanding such numerical weakness, the Tidewaiters can be manipulated—now working singly and at points far apart, and now brought together, and the whole force converged on one point—so as to produce a moral effect as useful for the protection of the revenue as would be the employment of the square of their number; ten men may be so handled as to produce the effect of a hundred.

In this connection I have a suggestion to make which I wish to be acted on at least once a month, and it is this: once a month, arrangements being made to have a few men scattered about the port, the whole remaining available strength of the staff should be concentrated and brought to bear on some one vessel—more especially a vessel arriving—so that not a package should pass unaccounted for. Such an occurrence once a month, or, better, at irregular intervals, but not less frequently—now directed against one and now against another house-flag, and never allowing it to be known beforehand who will be the next to be thus treated,—some such action as this ought to produce an immense effect, especially if all penalties found to have been incurred on such occasions are stringently enforced.

You cannot have men for every act or for every point; but you can move them so that no one will know where they are to be looked for, ensuring as a result that all everywhere, under ordinary circumstances, will endeavour to comply with rules and regulations.

4.—I must supplement what I have said about Examiners and Tidewaiters by some remarks on the best use to be made of the Out-door Staff generally.

Tidewaiters, to see that packages in movement and permits correspond, and that ships and goods hold the necessary papers,—Examiners, to see that goods and merchants' descriptions of them in applications for permits correspond,—and Tidesurveyors, to divide work, station men, and exercise a general supervision: such, in a few words, may be said to be the elements composing the Out-door Staff, and such the duties they have mainly to perform. The Instructions for the Out-door Staff published in Circular No. 2 Second Series, are full of detail; but those instructions are for the information, education, and guidance of individual Tidesurveyors, Examiners, and Tidewaiters. On the other hand, what I now write is for the Commissioners, and its object is to put aside for a moment the detail of the desirable—the minutiae each class of the Out-door Staff is to be fit for—and call attention to the essential. What I call detail is of course highly important, but it must to some extent be often forgone in favour of what I call the essential. The essential admits of attainment with a numerically small staff, but the minutiae can only be properly given effect to by a very large staff. The minutiae are all very important for purposes of record, but the essential is all important for revenue itself. The essential—attainable with a small staff—aims at and secures three ends:—first, that men are properly placed,—second, that merchants learn to give correct accounts of their goods,—and, third, that the movement of goods and working of ships accord with Customs' permits.

What I wish you, therefore, to keep before your mind is that you are expected to study and think out the handling of your Out-door Staff so as to use it—foreign and native—in such a way as to make up for its paucity by efficiency,—so as to prevent a useless attempt to carry out the minutiae of the instructions at all times and in all cases from swamping simpler arrangements calculated to secure the essential.

The tendency to sit behind a desk and work with pen, ink, and paper is a mischievous one, and ought to be discouraged; but, to discourage it properly, all unnecessary calculations—all unnecessary records—must be done away with. Further, any want of fitness for his post, whether in an Examiner or Tidewaiter, ought at once to be reported to the Inspector General; Commissioners whose good nature or lack of attention to out-door business prevents them from reporting the men who are below the mark, are guilty of great unkindness to the individuals, to say nothing of their failure to do their duty to the Inspector General.

Sometime before the end of the year I shall expect you to reply to this Circular, explaining how the out-door work is carried on at your port, showing what kinds of unnecessary work you have been able to discontinue, and reporting the results of concentrating the whole available strength of the Staff on one vessel occasionally.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 115 (SECOND SERIES).

Revision of Regulations, proper steps to be taken towards effecting.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 24th August 1880.

SIR,

There are three steps to be taken in connection with port proposals for the annulment, emendation, or addition of rules, regulations, etc., etc., etc., which it is desirable Commissioners should bear in mind and be guided by; and I now call attention to them, in order to guard against drifting into difficulties. They are these:—

- 1°. When a Commissioner has a proposal to make affecting rules to be observed by the public, his first step ought to be to explain the matter to the Inspector General, and wait for the Inspector General's views.
- 2°. After getting the Inspector General's views, he is either to drop the matter or proceed with it; if he is to proceed with it, his second step should be to come to an understanding with the Superintendent.
- 3°. He is then to report the understanding arrived at with the Superintendent, whether favourable or unfavourable, and await the Inspector General's instructions.

The propriety of acting in this way, omitting none of these steps, and taking them in this order, may not be obvious to the inexperienced at first sight; but when it is remembered that some changes proposed may be of a kind no Commissioner ought to suggest to a Superintendent; that others are such as the Yamên will not sanction, even when advocated by the Inspector General, until after the views of provincial officials have been obtained; and that others, again, however desirable, will be opposed and rejected by various Superintendents, simply because they feel hurt at the Commissioner's action in making the suggestions without their knowledge and co-operation, it will be seen that there is sufficient ground for insisting on the necessity of proceeding with precaution and circumspection, and of avoiding needless causes of difficulty.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 117 (SECOND SERIES).

C.M.S.N. Co.'s Steamers at Non-Treaty Ports: Rule as to
passengers and cargo carried.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 26th August 1880.

SIR,

In continuation of my Circular No. 9 of 1873: *

Shipping Rules for Chinese-owned Foreign-type vessels:

I now enclose copies of despatches to and from the Yamên, from which you will see that, in assenting to my application for authority to permit the China Merchants' Company's steamers running between Wênchow and Ningpo to call at *Tinghai* for passengers, the Yamên adds that the rule now existing in this connection, as sanctioned by Imperial Decree, is that the said steamers may carry passengers, but not cargo—Government freights excepted—if calling at non-Treaty ports.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

* *Vide antea*, pp. 294–302.

ENCLOSURE No. 1.

總稅務司申呈 總理衙門

爲中呈事竊前據浙海關稅務司詳稱招商局呈請允准本局永甯輪船來往甌海時起往定海上下搭客經本稅務司暫准照辦當函致本關監督查照並聲明如此辦理雖本稅務司之意以爲可行惟永甯輪船既准前赴定海則他國輪船約皆一律請准前往等語即經監督以此節稟請

南洋大臣批示旋准監督覆稱奉到

南洋憲批礙難准行希即轉飭永甯輪船遵照定章毋駛定海等情本稅務司即飭該永甯輪船遵照毋行駛往詎聞該輪船近來仍行前赴定海當即函達監督准覆稱須先向定海廳詢問一切情形再爲訂辦等語本稅務司查未准監督察詢見覆以前應將此事暫停辦理竊以爲若趁此即以定海作爲准船隻搭客來往之處雖與現章不符却不能照辦之事等因具申前來總稅務司查定海爲外海島嶼係温州甯波來往船隻必由之處若准招商局輪船在彼搭客既有便於該處人民即可於該局商船亦少獲利益而衡之稅餉亦無所出入惟定海並非通商口岸原訂之章祇准該局輪船來往通商口岸因之須明准方可前往如能明准各國船隻亦不能援此爲例蓋一體均霑之條與中國自辦中國局商之事毫不相涉可否如此辦理之處合行備文申請

酌奪示覆遵行可也須至申呈者 光緒六年六月初九日

ENCLOSURE No. 2.

總理衙門劄覆總稅務司

爲劄覆事光緒六年六月初十日准總稅務司申稱招商局永甯輪船赴定海上下搭客可否之處請酌核示復等語當經本衙門咨行南洋大臣查明聲復在案茲准復稱商局輪船專歸華商經理本非外國船隻所能援例即在不通商之處搭客亦與攬載貨物不同似可照准該處如有關卡儘可照內地辦法認真查驗亦無窒礙等因前來查商局輪船承運章程前經本衙門奏明商局船隻准到不通商各處起卸官物設或洋商援以爲例應請

飭下南北洋大臣務須照約禁阻至商局船隻嗣後除運官物外無論該局及華洋商人貨物概不准攬載在不通商各處起卸各等因奉有

諭旨通行

南洋大臣遵照在案是商局輪船在不通商各處概不准起卸貨物業經奏准通行自應一體遵照茲

准總稅務司申請准令招商局船在定海搭客既經

南洋大臣查復以爲可行應即照准該局船祇准搭客不得私自夾帶貨物以致偷漏稅項除咨

南洋大臣轉飭該地方官按照內地辦法認真查驗外相應劄復總稅務司遵照辦理可也須至劄者

光緒六年七月二十一日

總字第壹千陸拾肆號

CIRCULAR No. 119 (SECOND SERIES).

Transit Passes Inwards, Chinese merchants allowed to obtain.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *4th November* 1880.

SIR,

I enclose for your information and guidance copy of the Yamên's last instructions concerning transit inwards, from which you will see that Chinese merchants may themselves obtain Transit Certificates for goods going inland, and that the issue of Certificates is to depend upon the character of the merchandise, and not upon the nationality of the applicant; that is to say, goods of Foreign origin are to be granted Transit Certificates on the application of Natives and Foreigners without distinction. A form of Certificate approved of by the Yamên is appended to the despatch; as is also a note said to contain the characters on the stamp concerning action to be taken when the goods are passing inland barriers and for the surrender of the documents in the interior.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

總理衙門劄行總稅務司

爲劄行事案查煙台會議條款內載洋貨稅單應由總理衙門核定劃一款式不分華洋商人均可請領等語本年七月間准

英國威大臣面請通行各省按照條款辦理以免參差當經本衙門行知

南洋大臣查照在案茲准酌擬稅單式樣及加蓋戳式送請核定等因前來查所擬單式戳式甚屬周妥自應通飭各關一體照辦除由本衙門行知

南洋大臣轉飭遵辦外相應照錄單式戳式各一件劄行總稅務司查照希卽轉行各關稅務司遵照辦理可也須至劄者

光緒六年玖月叁拾日

單式

茲據
華商
國商人

稟報現有後開之洋貨欲運往內地

省

府

縣州銷售

計開

其內地稅業已完清

年

月

日

字第

號

關道銜

爲

給發稅單事照得通商章程內載運入內地洋貨該商應將該貨名目若干往內地何處報關查驗照納內地稅項該關發給內地稅單該商應向沿途各子口呈單照驗蓋戳放行無論遠近俱不重徵又通商各口通共章程第一款載明洋商由上海運洋貨進長江俟到長江各口後一經離口自入內地販運如無長江各關稅單者逢關納稅遇卡抽釐未後聲明南北各海口均照長江一律辦理又烟台會議條款載明洋貨運入內地請領半稅單照應由總理衙門核定畫一款式不分華洋商人均可請領各等因除運入內地不領稅單之洋貨仍照通共章程辦理外茲據
華商
國商人
報關欲將後開洋貨販運前往
省
府
縣州請給
發內地稅單等情據此合應發給稅單以便沿途查驗蓋戳放行須至單照者

計開

其內地稅業已完清

右照給
華商
國商人

收執

年

月

日

限

日繳銷

截式

真正洋貨華洋商人均准請領
稅單照完半稅運入內地不得
出入口沿途關卡倘查出貨
少於單即註明單內仍蓋戳放
行一面行文給單原關查辦查
出貨多於單即係漏完半稅夾
帶私運應將所多之洋貨扣留
一面知照原關辦理倘查有土
貨冒充洋貨及將單內所填貨
名及數目字樣添改挖補均將
單貨扣留行查原關分別辦理
此單應於運貨已到所指地方
即赴地方官衙門或釐局繳銷

CIRCULAR No. 126 (SECOND SERIES).

**Annual Reports on Trade, I.G.'s instructions as to drawing up
and despatching of.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 22nd December 1880.

SIR,

Having reference to the various Circulars issued concerning Annual Reports on Trade, I have now to call your attention to sundry points you must not lose sight of when drawing up your Report.

- 1°. You must not *criticise* the doings of Chinese officials or of the Chinese Government;
- 2°. You must not *criticise* the doings of Foreign officials or governments;
- 3°. You must not *criticise* the doings of companies or individuals;
- 4°. While refraining from *criticising* the doings of individuals, companies, Foreign governments, Foreign officials, the Chinese Government, and Chinese officials, you are at liberty to *narrate* their doings if calculated to affect commerce, enterprise, industries, or international relations;
- 5°. You are to avoid remarks of a kind likely to get the Customs into trouble, or of a sort that may in any degree be objected to as libellous or defamatory;
- 6°. You are to introduce tabular statements very sparingly, and the Report is to be made, if possible, interesting reading, rather than a mere compilation of dry statistics;
- 7°. Trade Reports *must* be written every year, and *must* be despatched to the Statistical Secretary on or before the 31st March;
- 8°. Simultaneously with the despatch of the Report to the Statistical Secretary, a despatch is to be addressed to the Inspector General to the following effect:—
I have to-day posted my Annual Trade Report, covering.....pages of foolscap, for the year....., to the address of the Statistical Secretary, Shanghai.

The Statistical Secretary is charged with the responsible duty of reading each Report carefully before it is placed in the hands of the printer, and is authorised to strike out any words, sentences, or paragraphs offending against the foregoing cautions.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 146 (SECOND SERIES).

**Killing or Wounding of any person by member of Customs Foreign Staff,
Rule to be observed in case of. Instructions for Commissioners
in conducting Customs business.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 30th April 1881.

SIR,

1.—I have to instruct you to note the following rule* and communicate it to the Foreign members of the Revenue and Marine Departments at your port:—

Any member of the Customs Staff who, accidentally or intentionally, armed or unarmed, wounds or kills, or is charged with wounding or killing, any person, Foreign or Native, whether in self-defence or otherwise, is to report the occurrence at once to the Commissioner and resign his appointment; it will then be his duty to proceed to his Consulate and place himself in his Consul's hands, requesting inquiry and claiming Consular protection. If pronounced blameworthy and sent forward for trial, or punished by the Consul, his employment and pay will cease definitively from the date of the occurrence and consequent resignation; but if pronounced to have acted in the discharge of his duty or in self-defence, and declared to be not punishable, his

* This rule arose from the case of *Regina v. Page*, which was tried on 15th, 16th, 22nd, 23rd, 24th, and 25th February 1881 before Chief Justice French in H.B.M.'s Consular Court at Canton, when Edward Page, a British subject and a Watcher in the Chinese Customs Service, was charged by the Crown Advocate alternatively with the crime of murder or of manslaughter, because on 26th October 1880 a Chinese had been shot in the act of attempted opium smuggling, either by Page himself or by one of the party of which Page was in control. The Chinese Government not only refused to take any action against Page, claiming that as their servant he had acted within his rights and was exonerated from all blame, but also refused to allow any evidence of which the Customs were in possession to be submitted to the Court. Page was acquitted. *Vide Report of Trial, Regina v. Page, Hongkong 1881.*

resignation is to be cancelled, and his employment and pay are to go on without interruption as if nothing had happened.

2.—In this connection I deem it advisable to add a few remarks by way of caution for your own guidance in the performance of your duties as Commissioner. Our work is mainly connected with revenue and shipping, but many questions arise in it of a kind that concern Territorial officials, Consuls, and Municipal Councils, etc., etc., much more than Commissioners. Entanglement in such questions is to be studiously avoided, and even in matters that seem to fall more specially within the Customs limits, I wish you to avoid committing yourself or me to any line of action involving conflict with Consuls or Legations, and to endeavour instead to secure local settlement of a friendly kind. If, for instance, a question is one arising out of the movements of a vessel in the anchorage, Consuls and public are likely to support you if the vessel's movements are really calculated to damage other vessels or seriously inconvenience the public; whereas if you want their support merely to compel obedience to some unnecessary order, or secure attention to some not indispensable formality, sympathy will side with the ship. Similarly, if a question is one arising out of some non-observance of revenue rules, Consular support is not likely to be denied if a merchant's doings are evidently not merely wrong but calculated to cause real and not simply nominal loss to the revenue, while, on the other hand, to be in the wrong is often such a reasonable and even excusable position that it may involve neither loss of face, loss of principle, nor loss of revenue for the Customs to accept explanations and let the matter drop, or, better, let it pass all but unnoticed. Some serious effort ought to be constantly made to distinguish, from a Custom House point of view, between what is *essential*, as having practically real results, and what is *not essential*, as having no appreciably important consequences. One may be quite right in theory and utterly at fault in practice, and one may also waste strength to no purpose in fighting for principles that have no special bearing on practical work. What I wish you to do, therefore, is to use the right measure and distinguish between essentials and non-essentials, and to remember, besides, that whenever you suppose a good occasion for entering on a conflict has presented itself, you are *then specially* to hold your hand, let that individual case drop, and apply for instructions. Conflict breeds bad blood all round, and, with the worry, work, and expenditure it involves, is for us, exceptionally and peculiarly situated as we are, a ruinous proceeding. If we lose, we are worse off than ever, besides giving

point to some trifle that ought to have passed unnoticed; and if we win, we are not only too weak in ourselves and our backers to follow it up, but we increase the dislike of the opposition, and then find new attacks made on other points or coming from other sides. The caution you are to observe, in a word, is this: Avoid conflict, and avoid the further mistake of standing out for an independence that cannot be supported, and ignoring Consuls who have not only the right to claim but are in a position to enforce recognition.

3.—In conclusion, I must explain that what I have above written is not to be taken as resulting from any definition of the international position of the service or the legal status and duties of its members, but is to be read as merely setting forth some views which considerations connected with recent occurrences seem to me to call for at this juncture—the first as a rule for observance by all, and the second as advice for the guidance of Commissioners especially,—in the interests of the service generally.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 157 (SECOND SERIES).

Salt-smuggling, etc.: I.G.'s remarks and instructions.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, *2nd August 1881.*

SIR,

1.—Complaint has lately been made that Customs officers, in their desire to enrich themselves by obtaining rewards for goods seized and confiscated, are falling into the habit of allowing articles without permits to be shipped without interference although cognizant of what is occurring, and that they act thus because they hope to subsequently seize what has been thus shipped, procure its confiscation, and in this way secure the reward issued to seizing officers. Shipowners accordingly complain that Tidewaiters, instead of assisting masters of ships to prevent smuggled goods from being carried in their vessels, are in fact accessories to the smuggler in the first stages of the smuggling transaction, although they afterwards turn round and, if possible, make a seizure once the regulations have clearly been broken, and before the goods concerned have left

the spot where they are on duty, they being in the smugglers' eyes apparently unobservant individuals, but, in the shipowner's, wily detectives coveting reward, and not preventive officers upholding the laws.

2.—In this connection I enclose copies of a communication from and reply to the China Merchants' Steam Navigation Company, and I now call your attention to the matter in order that the Tidewaiters may be reminded that, although rewards are paid to them from the proceeds of the seizures they make, the object of their employment is rather to prevent than to punish smuggling.

3.—As matters stand to-day in China I do not myself know of any better—that is, any more promising or more feasible—method of protecting the revenue than what is done on the one hand to require merchandise to take out permits and on the other to detect and punish smuggling; nor do I quite see how we are to expect to be more successful if we order our Tidewaiters to direct their attention rather to the prevention of smuggling than to its detection. Goods shipped or attempted to be shipped without permit are alike liable to confiscation, and experience has probably proved that the present practice is the one that is most in the interest of the revenue. I consider it is the duty of the crew of every merchant vessel to keep out of their ship everything that is not accompanied by the proper documents from their agents and from the Customs; and if anything without a permit of the nature of cargo—*i.e.*, an article for carriage from one place to another—is found on board, it is on the many-handed crew and not on the single-handed Tidewaiter that the chief blame ought to fall. It is of course our duty to do whatever we can to prevent the shipment and to secure the seizure of any article sought to be shipped or shipped without a Customs permit, and where it is *Salt* that is concerned—although our offices collect no duty on Salt, and special attention devoted to that non-paying article might have an injurious effect on our watch over the movement of merchandise that pays duty, still,—seeing that the Salt Gabelle is an important part of the general revenue of the Empire, and that the ships our offices deal with are required not to carry Salt, we must continue to do our utmost to prevent its shipment and secure its seizure; at the same time, knowing that these Salt ventures are mainly made by the crews of the steamers themselves, I consider the Salt officials are quite right to call on the companies concerned, and on the masters, officers, and men, to stop the traffic. I do not think it expedient to discontinue the payment of rewards for the seizure of Salt, and indeed I feel more inclined to increase them; but as a step in the direction indicated, *viz.*, to prevent the

shipment of Salt at Shanghai, the Commissioner at Shanghai is to give the matter special attention, and when any Commissioner at a Yangtze port acquaints him with a Salt seizure, he is to deduct one or more days' pay from the salary of whatever Tidewater was on duty on the vessel concerned when last at Shanghai.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 160 (SECOND SERIES).

Customs Publications: which issued privately, which officially.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 26th October 1881.

SIR,

The Customs publications are issued, as you are aware, in six sets, styled I.—Statistical Series; II.—Special Series; III.—Miscellaneous Series; IV.—Service Series; V.—Office Series; and VI.—Inspectorate Series. Statistical, Special, and Miscellaneous publications are for sale to the public, and Service publications are for the use of the members of the Service generally: copies of these four sets of publications issued gratis to members of the Service may thereafter be considered their own private property. Publications of the Office Series are issued only to Commissioners and Deputy Commissioners, and, being of a more or less confidential character, are issued not privately but officially; that is to say, whenever a publication of the Office Series is printed, copies of it are sent to each Commissioner (or Officer in charge) and Deputy Commissioner (or Acting Deputy Commissioner) for their information, guidance, and official use; such publications do not become the private property of the individuals, but are to be surrendered by them to their official successors on removal, transfer, or promotion. Each incoming Commissioner, etc., and Deputy Commissioner, etc., ought therefore to be careful to see that the outgoing predecessor

leaves behind a complete set of the Office Series. The Inspectorate Series is of a still more confidential kind, and is only issued under express authority from the Inspector General.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 179 (SECOND SERIES).

Customs Publications: distribution, preservation, and use; instructions.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *2nd February 1882.*

SIR,

1.—I have to call your attention to the following remarks concerning the Customs publications* printed at the Statistical Department, and to a few rules and instructions concerning their distribution, preservation, and use.

2.—Customs publications are divided into the following sets:—

- | | |
|--------------------|---------|
| I. Statistical | Series. |
| II. Special | „ |
| III. Miscellaneous | „ |
| IV. Service | „ |
| V. Office | „ |
| VI. Inspectorate | „ |

3.—The Statistical Series comprises (a) the Shanghai “Daily Returns”; (b) the Customs Quarterly Gazette; (c) the Annual Trade Returns, Parts I and II; (d) the Annual Trade Reports; and (e) the Chinese Version of the Trade Returns.

4.—The Special Series will comprise publications of a special character issued for special reasons.

5.—The Miscellaneous Series will consist of publications of various kinds.

* For complete list of Customs Publications, *vide* IV.—Service Series: No. 51, “List of Customs Publications with Alphabetical Index,” Second Issue, Shanghai, 1935.

6.—The Service Series will comprise all publications of a service nature prepared for issue to, and use by, members of the service generally.

7.—The Office Series will be composed of various publications printed for the Customs archives.

8.—The Inspectorate Series will comprise publications prepared exclusively for the Inspectorate archives and Inspectorate uses.

9.—Publications of the Statistical, Special, and Miscellaneous Series—and no others,—the “Service List,” *Service Series*, excepted—are for sale to the general public, and are to be issued gratis to the names on the Free List. But if any member of the service—Revenue or Marine Department—whose name is not on the Free List be specially recommended by his Commissioner as likely to make good use of a copy of any issue for the purpose of systematic study, his name is to be put on the Free List for that publication; and if any employé whose name is now on the Free List does not desire any publication, it will be the duty of the Commissioner to make inquiries and report on the subject to the Statistical Secretary, so that he may curtail the issue if necessary. This latter instruction applies more particularly to the issue to Medical Officers of the Statistical and Miscellaneous Publications. In addition to the private copies thus issued, three official copies of each are to be supplied to every Custom House, where they are to be carefully preserved—one for the Commissioner’s office, one for the General Office, and one for the Out-door Staff Reading Room. Similarly, three copies of each are to be sent to the Inspectorate General, ten to the Non-Resident Secretary, and five to the *T’ung Wên Kwan*, and one of each to the Engineer-in-Chief and Coast Inspector for their offices.

10.—Publications of the Service Series are neither for sale nor for general distribution; they are to be issued gratis, and—the “Service List” excepted—to the members of the service only; they are also to be sent officially to Custom Houses, etc. (three copies each), and Engineer-in-Chief, etc. (one copy each), for office use (§ 9). As regards the numbers styled *Instructions*, they are to be issued according to the requirements of the official position of the individual, *e.g.*, a Commissioner ought to have them all, but a Tidewater is to be supplied only with the Instructions for the Out-door Staff, and a Lightkeeper with the Instructions for Lighthouses and Lightships, etc., etc., etc.

11.—The Office Series is published for the Commissioner's archives. A copy of each publication is to be sent to every Commissioner and Deputy Commissioner *officially* (including the Inspector General's Secretaries, etc.), and is to form part of the official archives of his office; such copies are to be handed over to the individual's successor with the other official archives, and are not to be retained privately or lent to others for perusal. They are in fact part of the confidential archives of each Commissioner's or Deputy Commissioner's office. Such publications are of course neither for sale to the public nor for distribution to the members of the service or Free List. The Inspector General's Circulars will be regarded, as a rule, as belonging to the Office Series, and are not to be placed in everybody's hands; at the same time it is to be remembered that, although all belong to the Office Series, and are therefore confidential, several of them are intended for the information of a Commissioner's subordinates generally, and are to be dealt with as directed in the body of the Circular itself.

12.—The Inspectorate Series comprises confidential publications for the Inspectorate archives, and these are neither to be sold, presented, nor lent for perusal to anyone; they are to be sent direct to the Inspector General at Peking, to be used by him as required.

13.—Thus the Statistical, Special, and Miscellaneous Series are for the public,—the Service Series is for the service at large,—the Office Series is for officers in charge,—and the Inspectorate Series is for the Inspector General.

14.—Commissioners are to report to the Statistical Secretary the number of copies of the Statistical, Special, Miscellaneous, and Service Series required at each Custom House for service distribution and official use, and the Statistical Secretary will continue to supply that number until requested to change it.

15.—Copies of all publications of the Office Series are to be sent by the Statistical Secretary to Commissioners and Deputy Commissioners, and the complete issue of all publications of the Inspectorate series to the Inspector General.

16.—With the exception of the Shanghai "Daily Returns" and "Customs Gazette," all Customs publications are to be sent when printed to the Inspector General for inspection, and none are to be stitched, or bound, or issued, till after the receipt of the Inspector General's approval.

17.—The following publications are to be half-bound in leather, and sent annually to the Custom Houses at each port, the Inspector General, and the Non-Resident Secretary:—

Annual Trade Returns, Parts I and II (bound together):
three copies to each.

Annual Trade Reports: three copies to each.

Quarterly Gazette for *March, June, September, and December quarters* (i.e., one volume for the year): three copies to each.

18.—When the Inspector General's approval is received, the first copies to be issued from the Statistical Department are the ten official copies for the Non-Resident Secretary, London; when all the service copies have been sent off, the Free List copies are to be issued; the balance remaining is then to be divided into three parts,—one to remain in stock in the Statistical Department, one to be exposed for sale at Shanghai, Hongkong, and in Japan, and one to be sent to London for sale there.

19.—Private copies of the Statistical, Special, Miscellaneous, and Service Series, addressed to *members of the service absent on leave*, are to be sent for them to the ports at which they draw half-pay (Canton or Shanghai), to await their return; if the recipients desire them to be delivered to their agents there for safe-keeping or forwarding, the Commissioner at the port must be specially requested in writing to have them so delivered. There will be no copies of the Office series for Commissioners and Deputy Commissioners on leave; on their return to duty they will find all new issues in the archives of the office they may chance to be appointed to.

20.—In this connection I think it well to state that no part of the official archives of any office is private property, and that no one is allowed to take away with him any drafts or make copies of any document not authorised by the Inspector General to be printed and published. Commissioners will take pains to see that this rule is complied with; unauthorised possession of copies of official documents will entail dismissal from the service.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 193 (SECOND SERIES).

Commissioners' Correspondence with Officials: rule as to submitting to I.G.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 4th July 1882.

SIR,

I append for your information and guidance a rule to be conformed to in your correspondence with outside officials:—

- A. Copies of communications received from or addressed to the Consuls at your port are to be sent or not to the Inspector General at the Commissioner's discretion; but when a Consul at another port is corresponded with, a copy of the correspondence is invariably to be forwarded.
- B. Copies of communications received from or addressed to naval officers on the China station are invariably to be forwarded to the Inspector General.
- C. Communications received from officials (Foreign) other than Consuls or naval officers on the China station are not to be replied to direct; copies of all such communications received are to be invariably forwarded to the Inspector General, and the reply, prepared and signed by the Commissioner (accompanied by an official copy of it for the Inspector General's archives), is at the same time to be sent to the Inspector General under "flying seal" for transmission.
- D. Copies of despatches or letters from and to the Customs Superintendent at the port are to be sent or not at discretion; but copies of all communications received from or sent to Chinese officials other than the Superintendent, whether at your own port or elsewhere, are invariably to be forwarded to the Inspector General.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 203 (SECOND SERIES).

**Tonnage Dues Regulations, 1882; Chinese and English texts of,
enclosed: instructions.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 15th December 1882.

SIR,

1.—Since my Circular No. 16 of 1870 was written, various changes have from time to time been made in the eleven Tonnage Dues Regulations then in force, and I have now to issue for your guidance, in Chinese and English, a new set, consisting of nine Regulations, recently drawn up, in which have been brought together the rules which are to be in operation until further orders.

2.—In addition to changes which have been already notified to you when made, I have now to call your attention to a new rule, which you will find referred to in Regulations 2 and 5 (*B*; *b* and *f*). You will note that vessels which remain less than 48 hours in port, and which arrive and leave without discharging or shipping cargo, may bring $\frac{\text{and}}{\text{or}}$ take away, in all, any number of passengers under 20, *i.e.*, may land, say, 15 and take away 4, or land 19 and take away none, or land none and take away 19, without becoming liable for Tonnage Dues. This new arrangement affects the order given in Circular No. 197, Second Series. I do not suppose you will be often required to put it in operation, and, whenever the occasion arises for acting on it, I trust you will settle any disputed claim on the spot, and avoid sending it to Peking, unless the proof that more than 19 passengers were carried is of the most absolute kind.

3.—You will observe, too, that henceforth vessels are to manifest both treasure and passengers (5). In this connexion you will note that, although the Chinese text prepares for a *Kwan-p'ing* entry in the Customs Returns, the manifest is expected to give the value according to the nature of the treasure, *e.g.*, if in Foreign coins, so many £ sterling or \$, etc., etc., etc.; and if in bullion, the nature of the bullion and its value in any known currency, etc., etc., etc.

4.—In 5 (*B*), the expression 銀錢 in the Chinese version is to be read as the equivalent of the words "gold and silver bullion and Foreign coins" in the English text.

5.—Regarding the Shanghai experimental rule for mail steamers, the word “monthly” in the English text is to be taken as meaning once in every four weeks or 28 days; “fortnightly” as meaning once in every fortnight or 14 days; and “weekly” as meaning once in every week or 7 days.

6.—Regarding the measurement of vessels by the Customs, you will note that any vessel measured is required to pay surveyor’s fees only to whatever persons—not Customs employés—have been associated with the Harbour Master in making the measurement (9).

7.—In any disputed case, be guided by the VIIth of the Joint Investigation Rules.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE No. 1.

CHINESE CUSTOMS.

TONNAGE DUES REGULATIONS, 1882.

1. *What Vessels pay Tonnage Dues.*—With the exception of ships-of-war, pilot-boats, and yachts, all other vessels—merchant ships, steamers, tugs, hulks, boats, and cargo-boats—are required to pay Tonnage Dues, either at the rates and times set forth, or subject to the exceptions provided for in these Regulations.

2. *Tonnage Dues, when due.*—Tonnage Dues are due on the expiration of 48 hours after arrival, or on breaking bulk, *i.e.*, landing or shipping cargo, bullion excepted, or landing $\frac{\text{and}}{\text{or}}$ shipping 20 or more passengers,—whichever first happens.

3. *Tonnage Dues, at what Rates payable.*—Tonnage Dues are payable at the rate of four mace per ton by vessels of more than 150 tons burden, and one mace per ton by vessels of 150 tons or under.

4. *Four Months' Certificate.*—Tonnage Dues having been paid, a Four Months' Certificate will be issued on clearance, from which date the vessel will be exempt from Tonnage Dues for a period of four calendar months on exhibiting her certificate. Subsequent certificates are to be dated from the date of the first clearance following the expiration of the preceding certificate.

5. *What Vessels are exempt from payment of Tonnage Dues.*—In addition to ships-of-war, yachts, and pilot-boats, the following classes of vessels are specially exempted from payment of Tonnage Dues, provided the conditions affecting the exemption are duly observed:—

- (A.) Boats employed in the conveyance of passengers, baggage, letters, articles of provision, or other articles not subject to duty, in or between the Treaty Ports.
- (B.) Merchant vessels which depart before the expiration of 48 hours from arrival, and which neither work cargo—personal baggage, gold and silver bullion and Foreign coins excepted—nor carry passengers aggregating inwards and outwards 20 or more.
- (C.) Vessels which are reported to the Customs as having entered port specially for shelter or repairs (including steamers which, *en route* for another port, are forced to enter to coal), and which, occupying berths assigned them by the Customs, observing Port Rules and Customs Regulations, and working neither cargo nor passengers, depart as they arrived, either in ballast or carrying away their original cargo. (*N.B.*—If, in order to effect repairs, cargo must necessarily be temporarily landed, special permission can be obtained on application; but such cargo must be replaced and taken away by the same vessel when departing.)

If any such vessels hold Four Months' Certificates, they will be treated as follows:—

- (a.) If the vessel enters for shelter, the certificate is extended the number of days the vessel spends in port.
- (b.) If the vessel arrives for repairs and leaves without working cargo or passengers,—or if, arrived for repairs, the vessel subsequently works cargo or passengers,—or if, arrived for ordinary trading

purposes, the vessel remains in port for repairs, the days actually spent in port in effecting the repairs are added to the Four Months' Certificate.

- (c.) Should it appear that a vessel takes advantage of these concessions respecting shelter and repairs simply to evade or defer payment of Tonnage Dues, a fine will be levied amounting to double the sum sought to be evaded or deferred.
- (d.) If the vessel is one which does not enter for shelter or repairs, but departs without working within 48 hours, and if the Four Months' Certificate expires while in port, the vessel will be free to depart without further payment of Tonnage Dues, and her next Four Months' Certificate will be dated from the first subsequent clearance necessitating payment of Tonnage Dues.
- (e.) If the Four Months' Certificate has not expired, its duration is not in any way affected by this exemption.
- (f.) If not possessing a Four Months' Certificate, the vessel, although not working cargo, will be required to pay Tonnage Dues if she brings in or takes away passengers aggregating 20 or more.

For the purposes of this Rule, inward and outward manifests must contain full details respecting bullion, foreign coins, and passengers; thus—

Bullion, silver	cases, value
„ gold	„ „
„ Foreign coins	„ „
Passengers, cabin	(numbers)
„ steerage	„
„ deck	„

6. *Special Rule for Sailing Vessels more than 14 Days in Port.*—The Four Months' Certificate of any sailing vessel in port more than 14 days will be extended half the number of days spent in port beyond that time, *i.e.*, for half the period from the fifteenth day to the day preceding that of clearance, both included.

7. *Special Rule for Mail Steamers (experimental and provisional).*—In the case of companies established or subsidised by Government for the conveyance of public mails between Foreign countries and China, which have periodic dates of departure with mails fixed by contract, the Four Months' Certificate will be,—not for the

individual vessel named so and so, but—for whatever steamers may carry the mails at intervals of four weeks. The payment of Tonnage Dues once will thus clear the company from liability for four months in respect of such steamers as carry the mails that accord at intervals of four weeks with those carried by the vessel which originally paid Tonnage Dues, *i.e.*, for monthly mails there will be one payment, for fortnightly two, and for weekly four, every four months. Other steamers the property of such companies, entering port but not intended to depart, or not departing with the regular contract mails, are not covered by this special Regulation, but must pay Tonnage Dues in accordance with the rules for ordinary traders.

This Regulation, which is confined to Shanghai, is experimental and open to revision.

8. *What Dues are paid by Chinese Junks under Foreign Charter.*—Chinese junks chartered by Foreigners are required to pay Port Dues according to the Chinese tariff and rules, if trading on the Yangtze, and Tonnage Dues once every four months, at the same rates as Foreign vessels, if trading between the Treaty Ports on the coast.

9. *Customs Measurement for Tonnage.*—Vessels requiring measurement or re-measurement may apply to the Customs to be measured. Gross tonnage will be calculated in accordance with Rule I of the British Merchant Shipping Act, and the deductions to be made therefrom, in order to obtain the Tonnage-dues-paying Tonnage, will be calculated in accordance with certain provisions of the same rule and certain instructions published by the United States Government as to what parts above the upper deck to the hull should be included, approved of and adopted by the Chinese Customs. For conjoint measurement of vessels for tonnage, the usual fees will be payable.

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ENCLOSURE No. 2.

總理衙門劄復總稅務司

爲劄復事光緒八年十月二十二日准總稅務司申呈以同治九年閏十月間作成各關徵免洋商船鈔章程十一條當經貴衙門咨行南北洋大臣轉飭各關遵照並照會各國大臣查照在案惟查同治九年距今歷有年所既各處不無增擬之端各國值修約之時其間亦有不同之款鉅細章程諸多紛歧宜歸畫一茲復綜核徵免各事繼前轍更擬訂九條與各國原議之約後修之款並貴衙門散允駐京大臣數條以及各關現辦之情形一一相符呈請查核等因前來查所訂各條甚屬賅備除抄錄章程九條咨行南北洋大臣轉飭各關遵照並照會

各國大臣查照外相應劄復總稅務司轉飭各口稅務司一體照辦可也須至劄者

光緒捌年拾壹月初伍日

總字第壹千貳百叁拾壹號

通商海關徵免船鈔章程九條

一何船應納鈔也凡兵船以及引水游歷等船不輸船鈔外所有夾板火輪商船與拖船躉船並艇隻剝船等項除後列從權免鈔時不計外均須照此章程所註噸數限期輸鈔

一何時應納鈔也凡商船進口二日限滿均應納鈔若在限內開艙起貨下貨除銀錢不計外或上下客人至二十名之多即須納鈔

一憑何納鈔也凡商船一百五十噸以上每噸納鈔銀四錢一百五十噸正及一百五十噸以下每噸納鈔銀一錢一噸鈔專照之例也凡商船完清鈔後於請領出口紅單之日由關發給船鈔之專照自是日起以四個月爲限若該船在限內復進通商口岸將照呈驗則免復徵船鈔俟限滿復行納鈔於此後之第一次請領紅單之日換發新照自該日起以四個月爲限後皆以此類推

一何故免鈔也兵船以及引水游歷等船外所有應納鈔之船如出有實在事故並恪遵免鈔專章即准免納茲將實在事故類列於後

一係商民自用艇隻若運帶客人行李書信食物以及例不納稅之物約准毋庸完鈔

一係商船進口若祇有起下銀錢行李及上下客人不滿二十名之事如在二日限內復出口者約准毋庸完鈔

一係商船進口由領事官知會海關或因收口躲避或因受損進口修理或因煤不敷用進口添增該船按照關指處所停泊遵守關章並無上下貨物客人之事空船進口仍係空船出口或裝貨進口仍係原船原貨出口倘因修理須暫行起貨存棧者准赴關請領專單俟修理完竣仍將所起之貨裝載原船出口者此等船隻均行一律照免納鈔

此等船隻執有船鈔專照者其辦法列後

一船隻收口躲避准將在口日期多少於專照內註明照數展限

一船隻進口修理並未上下貨客或係本因修理進口俟完竣後復有上下貨客等事或係本為交易進口嗣後有修理之事均應核計在口修理實至多少日在專照內註明照數展限

一船隻如以收口躲避及進口修理飾詞偷漏者即照該船圖免鈔之數加倍議罰

一凡船非因躲避修理等事進口在二日限內復出口而並無上下貨客事者所有之船鈔專照若在口時限滿無庸在此口復徵船鈔俟抵他口完鈔後於請領紅單之日再發新照辦理

一凡船進口非因躲避修理等事在二日限內復出口者所有之船鈔專照如未至限滿自無免納展限之事

一凡船進口並無船鈔專照雖不起下貨物而卸搭客人至二十名之多均須納鈔

凡船進口出口各艙口單內須將所載之金銀所搭之客人數目情形註明如銀若干箱計值關平銀若干兩金

若干箱計值關平銀若干兩洋錢若干箱計值關平銀若干兩以及客人上等艙若干名下等艙若干名艙面

若干名一一明晰登註

一夾板船展限之例也凡夾板船在口內停泊出十四日以外者則自第十五日起共核若干日按一半扣算將其

船鈔專照展限其請領紅單之日不計

一公司輪船試辦專章也凡有各國動撥公款約雇公司輪船按洋歷月內之七日分期逢訂日寄送公私文信從

外國赴中國自中國回外國者其船完鈔後所領之專照可無庸作爲某船完鈔之據係准作爲嗣後四個月限

內逢訂日按次接替寄信船出口免鈔之件如此辦理月內第一期之專照應作爲後此二三四個月內第一期按次出口輪船免鈔之據是月內祇有一隻船按訂期出口四個月內該公司祇應納鈔一次月內有兩隻船按訂期出口應納鈔兩次有四隻船出口應納鈔四次類推辦理凡有該公司另項輪船進口並非抵額設等船之用者不在此例仍應按某船進口某船完鈔辦理此條係專爲上海一口所立並屬試辦再議之章

一洋商雇華船鈔例也凡有洋商雇用內地船隻在長江一帶運貨者該船在口仍照內地船隻應納船料若在沿海通商各口來往者其船即應按照洋船納鈔之例一律赴關輸納

一量船辦法也凡有船隻欲度量其噸數者均准赴關請派人度量按照海關向辦之法度量其噸之總數係照英國管理商船章程第一條量算於所得總數內欲求除淨下存應納鈔課之實數係照通商海關比擇該章內之專條並美國所訂應扣除與船身相連上艙以上所設房屋之專章辦理其量船時已經該關派人外若仍須另覓人會同度量者其會同量船之費應由該船商按照通行之例自備

CIRCULAR No. 204 (SECOND SERIES).

Postal Service: Customs and public mail matter; use and issue of Customs stamps; instructions.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 22nd December 1882.

SIR,

1.—Hitherto all *Customs mail matter*—i.e., letters, etc., on service and on the private business of members of the service—has been stamped with Customs postage stamps* when being transmitted by such Customs Post Offices as have been organised as regular post offices. For example, the Customs Post Office at Shanghai affixed stamps to all mail matter received by it for the Inspectorate General, and the latter stamped all its mail matter which it transmitted to the ports. The cost of these stamps was charged to Account A, and the sum thus charged indicated the expense incurred in carrying this Customs mail matter.

2.—Henceforward no *Customs mail matter* is to be stamped as heretofore with Customs postage stamps; such stamps are to be used exclusively by the public in payment of postage on letters, etc., sent through the Customs.

3.—Every Custom House is, however, to mark the mail matter originating in it—i.e., its own letters, etc., as distinct from those of the public—with a seal the impression of which will unmistakably reveal its origin and nature (see margin). Thus, mail matter so marked arriving at Shanghai, for example, whence its further transmission through the Customs to a northern office may require the payment of postage ordinarily, will be regarded as entitled to free transmission, on the score of its being either the official correspondence of the Canton Commissioner or the private correspondence of members of the Canton Customs. No outside mail matter is to be so marked, and strict guard must be maintained that this seal is not abused or any right of free transmission given by it to correspondence, etc., not absolutely entitled to free transmission.

CANTON CUSTOMS.
MAIL MATTER.

*The first issue of Chinese postage stamps—the design of a Chinese artist—comprised a set of three stamps only, of 1, 3, and 5 candareens respectively, and was issued in 1878 by the Statistical Department of the Customs. The issues of 1885, 1894, and the three provisional issues of 1896 and 1897 were all candareen stamps of various denominations. The first set of cent and dollar stamps was issued in 1897.

4.—Every office north of Wênchow—Wênchow included—may keep Customs postage stamps for sale to the public, and may receive from the public letters duly prepaid with these stamps, for transmission to the ports at which the Customs are authorised to forward mail matter for the public. All such letters are to be forwarded in the Customs mail bags, and the transmission is to be undertaken subject to such Customs Postal Regulations as may be in force. For the present, the offices south of Wênchow are not to undertake the transmission of mail matter for the public.

5.—No mail matter for the public—excepting the mails from Foreign countries delivered to the Shanghai Customs for transmission to the northern ports, etc.—is to be transmitted until the postage be paid. This rule, however, is not to prevent the Postal Clerk keeping, where it may be expedient, an account for postage, but *he is invariably to affix stamps to the mail matter for which he charges postage.*

6.—The Statistical Secretary will henceforward issue all postage stamps. The Commissioners who need them must apply to him, and for the quantities he issues, which he will keep an account of and report to this office, Commissioners will be required to account quarterly in the receipt voucher of Account D., “K. Unclassed: Postal A/c.” heading (*vide* Circular No. 202 of 21st November 1882, paragraph 4). Each Commissioner should therefore, on the date of the receipt of this Circular, take reckoning of the quantity and value of postage stamps in his office on that day, and record the amount in his voucher at the end of the quarter (*vide pro formâ* voucher enclosed).

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

[D.—1

Pro Formâ.

.....Customs

ACCOUNT D.

31st March 1883.

"K. UNCLASSIFIED: Postal A/c."

Letter of Receipt.

Letter of Voucher.....

Authority.

1883.		Hk.Tls.	Hk.Tls.
16th Jan.	: Value of Customs stamps in hand. Hk.Tls. 15.55		
20th Feb.	: „ stamps received from Stat. Sec. (Req. 50) „ 20.00		
21st March:	„ „ „ „ („ 61) „ 30.00		
		65.55	
31st „ :	„ „ in hand, to be deducted	4.83	
Amount realised from sale of stamps during quarter....Hk.Tls.			60.72

I hereby certify that the above statement is correct......
Commissioner.

CIRCULAR No. 221 (SECOND SERIES).

Summonses: received by Customs employés from Foreign Consuls;
instructions. **Foreign Courts:** Customs employés to attend,
if ordered to do so by Superintendent through Com-
missioner; instructions.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 24th April 1883.

SIR,

1.—The Assistant-in-Charge at Chinkiang reports that the Harbour Master there had been served with a summons, issued by the British Consul, requiring him to appear before the United States Consul, to give evidence in a collision case, and inquires—

- 1°. Whether a Harbour Master may be thus summoned;
- 2°. Whether Customs employés may be required to sit as assessors;
- 3°. Whether Customs employés may be called upon to give evidence as experts.

2.—The extra-territoriality clauses of the Treaties, as you are aware, place each Treaty-power subject in China under the jurisdiction of his own national authorities and under the operation of his own national laws. The fact that any such Foreigner is in the official service of China, one would suppose, ought to be allowed to make a difference in status and treatment; but up to the present it has not been possible to arrange for the recognition of any such difference, except in so far as a British Order in Council exempts British subjects in the Chinese Service from being called upon to act as jurors. Such being the state of the case, I do not feel at liberty to go beyond giving you the instructions that follow for your guidance:—

- 1°. If the Chinese Superintendent, through the Commissioner, instructs any Foreigner in the Customs Service to attend any Foreign court, he is to attend it; but the Commissioner must obtain from the Superintendent a memorandum for his own and that employé's guidance, setting forth the action to be taken by any such employé of the Chinese Government, and, in particular, on what points he is at liberty to speak, and on what points he is to be silent.

- 2°. If any Consul summons any Foreign member of the Customs Service, no matter whether as witness, juror, assessor, or defendant, etc., etc., etc., the employé in question must obey the summons and go; the Commissioner is to report him as absent from duty without leave, but in consequence of circumstances beyond his own control, and his pay for each day on which he has been absent from his post in consequence of having received such a summons is to be withheld.
- 3°. Any Foreign employé of the Customs, unless when ordered by the Superintendent to attend a Foreign court, and then only in so far as is indicated by the memorandum supplied to the Commissioner, is positively forbidden to answer questions on subjects of which he has a knowledge only by reason of or through his position as an employé of the Chinese Government.

3.—It is not likely that summonses of the kinds this Circular refers to will be often served on Customs employés; when served, however, they must be obeyed: relief will perhaps be easier to obtain after Governments observe the practical effect of summoning officers officially required to obey the preceding rules.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 223 (SECOND SERIES).

Passengers' Luggage, treatment of: new Rules and instructions.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 20th June 1883.

SIR,

1.—In continuation of Circulars Nos. 16 of 1864, 4 of 1867, and 1 of 1872, I have again to address you respecting passengers' luggage, and more especially that which belongs to Chinese travellers.

2.—The only document which you are empowered to accept as an authority to pass Chinese luggage without examination (*vide* Circular No. 16 of 1864) is an official certificate issued by, and sealed with the official seal of, the Superintendent of Customs. The meaning of this authorisation is that the production of such a document justifies you in not examining. It does not mean that you must not on any account examine luggage protected by it, but, should you ever decide not to recognise such a document, it will only be the discovery of smuggled or contraband goods that will justify your refusal; neither, on the other hand, does it mean that you are to examine *all* luggage not so protected, but simply that, when such a document is not produced, you are free to exercise your discretion as to whether examination is to be made or not.

3.—As regards luggage generally (*vide* Circular No. 4 of 1867), Tidewaiters must not make vexatious searches or cause unnecessary detention. Search is to be made as seldom as possible, and then only for sufficient reason. If the owner is willing, examination may take place there and then on board; if the owner refuses to allow examination, his luggage is not to be opened except at the Custom House, and there only either in his presence, or—if he refuses to be present—after the expiration of three days in his absence.

4.—Circular No. 1 of 1872 dealt with the treatment of merchandise found in luggage.

Chinese travellers naturally buy things as they go along, for personal or family use or for presents. Such things, if of Foreign origin and between the Treaty Ports, may be taken for granted to have paid duty on original arrival; if carried in such quantity as to be liable for freight or a duty of, say, ten taels, there ought to be an Exemption Certificate,—failing which the things may be pronounced confiscated as shipped without a permit, but should be resold to the owner for a nominal sum of, say, five taels, to mark the irregularity; if the vessel is from Hongkong or any Foreign country, the things are to pay duty if amounting in quantity to the Tariff integer. When articles of Native origin are thus carried and reported, or willingly shown, they may be passed free if not exceeding one-tenth of the Tariff integer; exceeding that, they ought to pay duty. If not reporting his goods when carried in dutiable quantity, the carrier (Chinese) may be fined a sum not exceeding ten taels, in addition to being required to pay duty, to mark the irregularity; if concealment is attempted, and the goods are in sufficient quantity to show there is an illegal object in concealing them, they may be confiscated. Prepared Opium is to be charged duty or confiscated, according to circumstances.

5.—The Tientsin and Shanghai offices are to pass without examination all packages despatched by the Legations from Peking, if covered by a certificate issued at the Inspectorate General here on the Legation's application; and the Tientsin office is to pass free of duty any articles reported by a Consulate to be for the use of any Legation at Peking, or directed to be so passed by the Inspectorate General. Further, all offices are to pass packages when found to be covered by special certificates occasionally issued for special reasons by the Inspectorate General.

6.—In applying these instructions, there are some points to be specially noted and remembered:—

- 1°. Except at the Custom House, no Customs officer is himself to open passengers' luggage.
- 2°. Luggage, if examined at all, is to be examined at the port of arrival, and not at the port of departure (the Canton Customs, however, may search departing as well as arriving luggage).
- 3°. When a Customs officer picks out any special package for examination, the owner ought himself to open it, but if he refuses to do so, the officer is to take care that that package is sent to the Custom House for examination, and the owner ought to be requested to write his name and address on the package itself.
- 4°. Except at Canton, it may be taken for granted that every traveller is a *bonâ fide* traveller, and that the luggage he has with him is personal baggage, and its contents personal belongings, and not merchandise; care must therefore be taken not to harass such travellers by vexatious searches, or detain them for any examination that can be dispensed with.
- 5°. When Chinese students are on their way to Peking for the *chü-jên* and *chin-shih* literary examinations, or on their way afterwards to their homes, their luggage is not to be searched. Commissioners are required to keep themselves informed concerning the dates of such literary examinations and the movements of students, and to remind the Out-door Staff from time to time about the students' exemption from search.
- 6°. When any package forming part of passengers' luggage is found to contain something requiring payment of duty or infliction of a penalty, that something is to be replaced in the original package, and the original

package with all its contents is to be taken to the Custom House, and there detained till the duty is paid or penalty decided on. The owner of any such package detained is to write his name and address on the package itself, and is to be told to apply for it at the Custom House.

7.—The contents of the preceding paragraph are to be communicated to all the officers of the Out-door Staff, and it must be impressed on them that examination of luggage is to be the exception, and not the rule.

8.—*Salt Watchers* are not to search passengers' luggage.

9.—In conclusion, I have to instruct you to take note that henceforth, except at Canton, no seizing officer is to receive any share of the proceeds of seizures effected by searching passengers' luggage: Rule 36 in Circular No. 25 of 1869 and instruction 2° of Circular No. 6 of 1871 are hereby rescinded in so far as they refer to passengers' luggage elsewhere.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 224 (SECOND SERIES).

Passengers' Luggage: instructions of Circular No. 223, Second Series, supplemented.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 26th June 1883.

SIR,

1.—In my Circular No. 223 of the 20th instant, in § 4 it is said with reference to goods of Foreign origin carried by passengers,—

“if carried in such quantity as to be liable for freight or a duty of, say, ten taels, there ought to be an Exemption Certificate,—failing which the things may be pronounced confiscated as shipped without a permit, but should be resold to the owner for a nominal sum, say, five taels, to mark the irregularity,” etc.

2.—This instruction may somewhat perplex you, seeing that the Treaty stipulation concerning Exemption Certificates is that they are to be issued after ascertaining that “the goods remain with their original marks unchanged,” and remembering that the practice has hitherto been to refuse Exemption Certificates for broken packages; and I now add this explanation for your guidance. Where an Exemption Certificate is issuable—that is, where a complete package is concerned with its original marks unchanged, the traveller ought to supply himself with that document; if he is ascertained to have failed to do so, confiscation may be pronounced and the owner allowed to repurchase, or if the goods carried are parts of broken packages, and therefore unable to obtain Exemption Certificates, they may be treated in the same way, as shipped without permit (if not mentioned in the Cargo Certificate).

3.—Further, it is to be borne in mind that these instructions refer only to goods when they are carried in small quantities in, among, or with passengers’ baggage: if any attempt is made to pass goods in considerable quantity, or several packages of merchandise, with or as baggage, the attempt must simply be dealt with like any other attempt to ship or discharge merchandise without permits. These instructions are not intended, so to speak, to constitute an authority or give passengers special permission to carry merchandise in their luggage; their object is merely to provide the Custom Houses with a uniform method of acting when passengers are found to have goods in their baggage in excess of what travellers may naturally be supposed to purchase *en route*,—and it is taken for granted that such cases of excess are the exception and not the rule.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 226 (SECOND SERIES).

Tonnage Dues Regulations; alterations in:—(1) Cargo-boats; no Tonnage Dues on, but registration of, required. (2) Mail steamers; Special Rule for Tonnage Dues at Shanghai abrogated.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 27th June 1883.

SIR,

1.—In continuation of my Circulars Nos. 94, 95, and 203, Second Series, and having reference more especially to those parts of them which relate to

Cargo-boats, and
Mail Steamers,

I now enclose copies of despatches written by the Foreign Representatives to the Yamên, and the Yamên's consequent instructions to myself, from which you will see that—

- a. *Cargo-boats*, although held by the Yamên to be by Treaty liable, are not to be charged Tonnage Dues if plying only in port; they are, however, to be registered annually,—carry a cargo-boat certificate, issued by the Customs free of charge,—and exhibit the registered number painted on some conspicuous part; and
- b. *Mail Steamers* are to pay Tonnage Dues in accordance with the Treaty stipulations, and in the same way as all other steamers. The “Special Rule for Mail Steamers (experimental and provisional),” which formed the seventh of the “Tonnage Dues Regulations, 1882,” issued in Circular No. 203, has been cancelled.

2.—The cancellation of the seventh Tonnage Dues Regulation affects Customs practice at Shanghai only. Such *Four Months' Certificates* as are yet unexpired are to continue good as heretofore for the mail-boats of the company concerned until the expiration of the four months for which they were originally issued; but once these outstanding certificates expire, each mail steamer is to pay Tonnage Dues on her own tonnage, and receive a *Four Months' Certificate* made out in her own name,—good for four months, but good for that steamer alone, and not to be used by or recognised for any other steamer.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

ENCLOSURE.

徵免船鈔新章 各國大臣照會總理衙門

照錄英國照會十一月十七日到

爲照復事前於十一月十二日接准

貴署來文附送海關徵免船鈔章程九條一紙均已閱悉查其章程之內有商船進口若上下客人不滿二十名無庸完鈔之語竊念此法必於中外各國皆有裨益本署大臣閱此實爲欣慰乃其章程第七條所載公司輪船云云此條或照此章或照從前條約必須任各公司分別興辦蓋其章程內剝船二字想係專謂通商各口往來裝載貨物之剝船非謂海口內上貨卸貨之剝船也除照

貴親王所請將所來章程九條並抄錄此文轉行各口領事查知外相應照復

貴親王查照可也須至照會者

照錄美國照會十一月十七日到

爲照復事本月初五日准

貴親王照會以洋商船隻完納鈔課一事更擬訂徵免章程九條等因前來查第二條所訂是商船進出各

口若上下客人之數不過十九名者准免納鈔想此辦法實與華洋商均爲有益其第七條所訂各國動撥公款所雇公司輪船如何徵鈔之法一節想該公司納鈔或照此法或仍照善後章程自應各隨其便至第一條內所稱之艇隻剝船云云想係指以此等船爲由此口運貨至彼口之用者而言其在本口由大船運貨至岸由岸運貨上船者自應不在此例除照所擬訂章程九條轉行各口領事外相應照復

貴親王查照可也須至照會者

照錄德國照會十一月十七日到

爲照復事光緒八年十一月初五日接准

來文並通商海關徵免船鈔章程九條均已閱悉查章程內開商船進口若止上下客人不滿二十名之多者無庸完鈔等因均於中外商務裨益良多洵稱允洽之至第七條公司輪船試辦專章該公司或願照專章辦理或仍願照條約各款運行之處自應聽其自便再查章內每用剝船字樣想係指由此口剝至彼口之剝船而言並非指在口內撥送貨物而言也除將章程英文及此次照會一併鈔錄分行各口領事遵照外合行備文照復

貴王大臣查照可也須至照會者

照錄日本國照會十一月十八日到

爲照會事明治十五年十二月十五日接准

貴王大臣來文內稱洋商船隻完納鈔課一事並附送刷印章程九條照會本大臣查照轉行等因前來本大臣均已閱悉卽屬可行如該章程內第五款稱商船進口若祇有上下客人不滿二十名之事如在二日限內復出口者約准毋庸完鈔本大臣深信似此辦法使中外民人均得其利殊非淺鮮查第七款稱公司輪船試辦專章本大臣以爲其按照試辦專章完鈔或照兩國通商章程依舊完鈔理應聽該公司自擇任便辦理方屬允當又查款內所稱剝船

英文所稱
喀哥撿脫

本大臣指定專係來往通商各口裝運貨物之船隻而並非只在一口內剝運貨物之盤艇除亟

抄錄此次所定英文徵免船鈔章程附以此件照會轉飭駐劄各口本國領事查照辦理外合先照復

貴王大臣查照可也須至照會者

照錄和國照會十一月二十日到

爲照復事前准

貴衙門於光緒八年十一月初五日照會內稱船鈔徵免各節及續定

漢洋

文章程一併照送前來本大臣詳加披閱

如款內所載商船進口上下客人不滿二十名之事均准勿庸完鈔一條實爲中外關涉俱有裨益之處惟查第七

條所載公司輪船專章據各國公使意見皆以爲未盡允協本大臣以此條惜專爲上海一口所立祇外國洋行得霑此利益如將此條亦於他口照辦如廈門等處則中國商民亦得獲霑其利中國商民在廈門與本國所屬之印度通商往來者尤衆現在本國公司輪船自印度至廈門每月一次若得照此專章亦於廈門辦理則中外商民均獲霑其利益是猶望

貴王大臣酌核可否將此專章亦於廈門照辦之處統希查照施行除將照送船鈔章程轉行知照本國各領事外相應照復可也須至照會者

照錄俄國照會十一月十七日到

爲照復事十一月初五日准

貴王大臣照會並附送船鈔章程前來查閱後本大臣欣知此章程內准商船上下客人而免船鈔者至十九名之多似此辦法自於中外均有裨益至於第七條寄送文信公司輪船一條則從與否自在公司儻公司不以爲然則永應准其照現行和約內之船鈔章程辦理其所謂剝船據本大臣所見但係由此通商口往彼通商口運貨之船並非在本口上貨卸貨所用之船也除由本大臣將

貴署來文並徵免船鈔英文章程分送各領事查照遵行外相應照復

貴王大臣可也須至照會者

隨天字第玖百貳拾陸號

照錄法國寶使照會

爲照復事前接准

貴親王照會內稱查洋商船隻完納鈔課一事前據赫總稅司申稱船鈔徵免各事其間應徵應免等項本有不同且時有更改以致條款重複擬議不一勢難遵行細較各款作成徵免洋商船鈔章程十一條當由本衙門照會在案茲復據申稱鉅細章程宜歸畫一綜核徵免各事繼前轍更擬訂九條呈請施行經本衙門查核各端均已賅備自應一併修訂以資引證相應刷印漢文章程九條並赫總稅司譯出洋文照會前來本大臣閱悉相應照復須至

照會者

光緒八年十一月二十八日

照錄比國諾使照會

爲照復事照得十一月初五日接准

貴衙門照會本大臣均已閱悉惟噸數條款內載上下客人至二十名之多者即須納鈔如二十名以下必不用納鈔矣此條於中外各國均屬方便至第七條應歸於公司輪船承辦或與中外國條約內之原款必待彼揀選一條即可照辦無礙再噸數條內載艇隻剝船一節若由此口赴彼口者即照此章程辦理如在口內用小船上下運貨即不在此例矣爲此照復

貴王大臣查照外一面將英文條款及

光緒八年十一月二十二日

貴衙門照會一並轉飭本國駐華領事官知悉可也須至照復者

照錄意國盧使照會

爲照復事前准

貴衙門本年十一月初五日來文以洋商船隻完納船鈔一事將刷印章程九條照會前來本大臣均已閱悉查章程內云火輪船可以上下客人至十九名仍免輸鈔此實中外通商利益本大臣深爲喜悅至公司輪船試辦專章一款該公司等自應遵辦倘守約內納鈔舊章亦祇好聽其自便又第一款所註之剝船係指剝船由此口運貨至彼口而言倘在一口界內上下貨物亦所不及緣准前因應請

貴衙門再將此項章程刷印之英文寄示以便轉給通商口岸各領事遵辦相應照復請煩

貴王大臣查照施行須至照會者 光緒八年十二月初五日

隨天字第玖百肆拾叁號

照錄日國照會 三月初七日到

爲照覆事本大臣准

貴署光緒八年十一月初五日來文喜見其附粘船鈔章程內載有一款明准商船上下客人至二十名而無庸輸納船鈔想此節中外人等均有裨益至於論郵船之第七款自應任由各公司或從新章或依約內所定而行其新章洋文內所云貨船視之係專指在通商口岸往返載運貨物之船並非於本口內剝貨之船而言矣除由本大臣將

貴署來文並附送船鈔章程英文繕錄一份轉飭各口領事官遵照外相應照覆

貴王大臣等查照須至照會者

照錄法國照會 四月初六日到

爲照會事查洋船徵免鈔稅一節前本大臣於光緒八年十一月初五日接准

貴親王照會前來而本大臣自上海回京之後公事繁多未能詳細照復現在查新訂通商海關徵免船鈔章程第

二條內載或商船上下客人不至二十名之多者毋庸納鈔等語此實與中外大有裨益本大臣紐佩之至至章程第七款所開公司輪船一事本大臣查該船公司或遵照新訂章程或遵照前定和約條款均聽其便辦理至此章程所謂剝船者本大臣以爲由此口岸至彼口岸載運貨物之船並非在一口界內起貨卸貨之船也因本大臣在上海之時有在吳淞口起貨卸貨以運至上海碼頭之火輪剝艇被該關道欲令納鈔一事查吳淞口久在上海通商口岸界內早有明文商定是以該船不應納鈔而各公司意內覺此事未妥因具詳稟前來如果上海道仍欲如此辦理恐與通商有礙應請

貴親王示之與本大臣意見相同否再請

貴親王轉飭上海道以後毋得再令剝艇納鈔以符條約而慰商情可也爲此照會須至照會者

總理衙門劄行總稅務司

隨天字第玖百玖拾貳號

爲劄行事查船鈔新訂章程及公司輪船納鈔試辦專章前經劄行該總稅務司並照會

各國大臣及咨行

南洋大臣在案乃迭准

各國駐京大臣照稱以商船進口上下客人不滿二十名無庸納鈔於中外皆有裨益至公司輪船試辦章程或照此章或照從前條約必須任各公司分別興辦又稱章程內剝船二字係專爲通商各口往來裝載之剝船非謂海口內上貨卸貨之剝船等語惟和國照稱輪船試辦納鈔專章獨請在廈門各口一律照辦中外商民均獲利益等情各照復前來本衙門查剝船納鈔及公司輪船試辦專章各國既不爲然因思所撥之貨係已納鈔之大船剝船所運本口之貨免其納鈔於稅務無甚出入可以照准辦理但須按年仍赴關挂號領照以杜影射之弊方可著爲定章其公司輪船試辦納鈔一節各國謂聽從商便和國謂他口亦當照辦未免關務參差船鈔數目牽混殊覺窒礙難行今擬將輪船之鈔查照條約定章辦理方免歧異應准各公司嗣後各按條約載定之原章納鈔一面將上海試辦專章撤銷除照復

各國大臣暨咨行

南洋大臣查照外相應劄行總稅務司轉飭各口稅務司恪遵條約辦理仍卽曉示商民一體遵辦可也須至劄者

光緒玖年伍月拾柒日

總字第壹千貳百陸拾玖號

CIRCULAR No. 230 (SECOND SERIES).

Cargo-boats; Tonnage Dues Question: I.G.'s Memo. for Yamên.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 11th August 1883.

SIR,

1.—The question of the right to levy Tonnage Dues on "Cargo-boats," *i.e.*, sampans, barges, lighters, etc., employed in conveying merchandise, etc., between the various jetties and vessels in port, has, as you are aware, been long debated, and is not done with. Although the solution arrived at is that Cargo-boats are not to pay Tonnage Dues, the Yamên decided to allow the exemption, on the ground that it would be a reasonable thing to do, seeing that the goods thus lightered in port arrive and depart in sea-going vessels that pay Tonnage Dues, and not on the ground that the Treaties stipulate for any such exemption; on the contrary, the Yamên maintained that, according to Treaties, Tonnage Dues are leviable.

2.—As it may be interesting at some future time to have the argument at hand to refer to, I now enclose the Chinese version of my Memorandum on the subject, accompanied by an English version prepared by the Chinese Secretary, Mr. Hippisley.*

3.—The object of this Circular is merely to supply you with a document for your archives; exemption having been decided on, as already notified to you in Circular No. 226, you are not now called on to take any further action towards collecting such Tonnage Dues.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

* A. E. Hippisley was born at Clifton, Bristol, on the 9th December 1848. Joined the Customs Service on the 14th October 1867 and was appointed to Chinkiang as 4th Class Clerk. Served in various capacities at Chinkiang, Peking, Amoy, Canton, Shanghai, Tamsui, Wenchow, Lappa, Tientsin, and Hankow. Was appointed Deputy Commissioner, Assistant Statistical Secretary, in April 1875, and was made Commissioner in April 1882. Served as Chinese Secretary from May 1882 to May 1885, as Chief Secretary from April 1896 to October 1897, and as Postal Secretary from April 1907 to April 1908. By Imperial Decree of the 1st October 1901 Hippisley was appointed an Assistant Delegate to the Treaty and Tariff Revision Commission, in the work of which for the next four years he took a prominent part. His memoranda on conservancy, financial, and taxation questions are distinguished by their grasp of the subject, breadth of view, sound reasoning, and clarity of expression. Hippisley was a member of the Chinese commission for the Paris Exhibition of 1878, the Health Exhibition in London of 1884, and the Paris Exhibition of 1900. In the latter year he was entered as Barrister-at-Law (Inner Temple). Hippisley has had Civil Rank of the 4th, the 3rd, and the 2nd Classes conferred upon him; and holds the Cross of Chevalier of the Order of Francis Joseph, Austria; the 3rd Class of the Order of the Rising Sun, Japan; and the Order of the Double Dragon, 2nd Division, 3rd Class.

ENCLOSURE No. 1.

總稅務司函覆 總理衙門

敬覆啓者奉到本月十九日

鈞函以英國格署大臣函據上海豐德會行稟稱吳淞口起貨剝船被新關令納鈔剝船納鈔事前經

威大臣商經

各國大臣會議不能依允艇隻徵鈔嗣卽不徵仍請轉飭不得再徵以符向來辦法等因本衙門查光緒六年議章因未定議暫從緩辦近兩年是否概停抑另有辦法與德國新約有無關涉卽爲聲復並准美國楊大臣函據吳淞撥船在本口撥貨無庸納鈔吳淞突欲徵鈔於通商亦多有礙請明示江海關道等語亦

飭一併查明聲復各等因總稅務司查咸豐四年江海關已經議有口岸地界之訂章其外界在吳淞之外

凡船過此外界駛到吳淞對面之江面卽係已經入上海口之船卽應前往駛赴口內之內口卽關章所訂之起下

所貨處方准起下貨物惟吳淞以內有攔江沙一處因水淺則喫水深之船不能過以是之故該關特准實

不能過沙之船在吳淞江面暫行停泊並准上海撥船前往吳淞將此項大洋船之貨漸次撥卸以便其喫水稍淺後則原船卽可過沙前往訂章起下貨物處所按章卸其餘貨其在吳淞起貨一事係因地制

宜特准之事並非准各船任便在彼卸貨祇准其將些須之貨載於撥船代運足便原船過沙自咸豐四年至本年歷辦如此而本年因德國新約將吳淞改爲起下貨物之處擬議吳淞章程之時章內有准船在吳淞用撥船起下貨物之條此新章與歷年所辦者略有不同歷年所辦係特准喫水深之一項船略爲起貨以便過沙而新章係准各項船隻在彼任便起貨下貨祇須用撥船於上海來往代運因有此新章欲常行之則與舊時暫行之辦法有不同之處故另擬一撥船納鈔之章而德國修約大臣亦以爲然允行其章是撥船從上海往吳淞撥貨一事現有兩端一則各國商人照舊使上海撥船前往吳淞將不能過沙船隻之貨物略爲起撥以便原船過沙此等撥船徵免船鈔一事自應照舊辦理一則德國商人

以及各國援引
德約之洋商 按照新約用撥船任便將各船之貨物於上海吳淞之中間撥運此等撥船納鈔一事自應按照新約之專條辦理惟雖有新准各項船隻在吳淞起貨下貨之章而卻無此事緣吳淞並非買賣貨物之聚處百貨必係照舊前往上海市所必係原船前往運抵上海其地祇不過因有此攔江沙所有大船不得不在吳淞略爲撥輕其貨載耳而如此撥貨者並非援德國新約撥貨仍係照歷年辦法而撥運且俟機器船一到則攔江沙中途挖深後吳淞口必無船在彼待撥也是新約之條雖有吳淞撥船如何納鈔之明文大約並無因此徵鈔之實事德國開辦吳淞之新章既係如此與撥船納鈔之事並無出入祇可將撥船應否納鈔一事細核以各國條約之義意而擬之茲特另備節略壹紙詳細敘論其事

現值

美英兩國大臣函云撥船不應納鈔等語既如此講解約條雖在我可憑條約作覆然基址未經踏實致兩造可憑

一條而各執一說且撥船之鈔收與不收與關項無大出入是以節略內另擬有一辦法以便了結其事一閱便知至

尊函內云光緒六年間所擬之章曾

飭從緩近兩年來撥船是否概停徵鈔等因承

詢此節總稅務司查前奉

飭當即轉飭各口稅務司示以俟有確定之章再行照辦至今迄無確定之章是以各口雖有照議已徵數隻撥船

之鈔然停徵後並未照光緒六年所擬之章進辦其上海一口之辦法與德國新約吳淞口上下貨物一條如何

關涉之處此上已爲陳明諸維

察閱除另具之節略壹紙呈請

鑒核外專此佈覆即候

升祺不一附節略壹件 光緒捌年拾貳月叁拾日

總論撥船節略

一百貨各稅外另有船鈔船料兩項其船料係華船乃按照內地章程應納之項其船鈔係洋船乃按照條約應納之項

一船鈔一項各國漢文條約載明一百五十噸以上之洋船每噸應納鈔銀四錢一百五十噸整及一百五十噸以下每噸納鈔銀壹錢又載明洋商在各口自用艇隻運帶例不納稅之物毋庸完鈔倘帶例應完稅之貨則每四個月一次納鈔每噸壹錢其法國條約第二十二款原載明之法國商人僱賃中國船艇該船不輸船鈔一條於同治四年商酌改爲僱賃之船艇行海者每四個月應納鈔一次每噸壹錢行長江者應照長江之專章

即按內地章程

完納船料辦理向來行海行江各船

即洋商自備之洋船以及洋商僱賃之華船

均係按照以上各條分別完納船料船鈔迄無異議惟除

此行海行江之船外另有各口不出口常在口內運貨生理之撥船此項不出口之撥船應如何辦理耶應否納鈔應否納料應否鈔料均行完納

一不出口之撥船英名爲哈爾唎鉢得其生意即係將不能靠碼頭大洋船運到之貨物從原船撥運至該行就近之碼頭並將各行齊備出口之貨從碼頭運至出口之大船此項撥船應否納課一節查上海一口洋商租界分

洋涇浜之北洋涇浜之南其南係法商公會名爲工部局管理一切其北係英商公會亦名爲工部局管理一切兩會之要務

即係爲衆人修理路途等事而各會有籌備資費之訂章即如撥船赴法商管理之各碼頭作生意者其有艙之

大撥船每月須納費兩元無艙之大撥船每月須納費壹元無艙之小撥船每月納費半元凡有撥船赴英商所

管之碼頭作生意者在二十五噸以上之撥船每月納費叁元二十五噸以下者每月納費壹元半又有華民之

撥船約十噸之大者

光緒五年此等撥船有一百零十隻

每月納費半元約七噸者

光緒五年此等撥船有七百零二隻

每月納費洋元貳角伍又聞

在此會之船若赴彼會所管之碼頭則復須納彼處之費惟各行自備自用之艇船毋庸納費緣其船祇自備而不能有他生理也其納費之船並非洋船行貨商行所自備之船乃係專作撥船生理之行爲生意之船其船生意盛而獲利多該船雖兩處納費亦無他說即公會徵其費與該撥船行納其費均無異議以此而觀足見各該商自知撥船應有管理撥船之訂章而撥船行作生意之船抽收其利息以充就近公費實所宜然若云公會中所收之項就近公用以作便商之事則海關徵其鈔用爲公項更與撥船生意有益緣用此等鈔費在各口外置造燈塔等項則洋船便於行駛到口到口之洋船既多則貨物多貨物多則撥運之事必多而撥船生理由此興旺獲利益盛是公會抽其釐關中徵其鈔二者皆大有理之事上海一口之情形如此若問條約之訂章如何查

道光二十四年所議之美國條約第七款內云凡合衆國民人在各港口以本國三板等船附搭客商運帶行李書信及例不納稅之零星食物者其船隻均不須輸納船鈔外若載有貨物即應按不及一百五十噸之數每噸納銀壹錢若僱用內地艇隻不在按噸納鈔之例等語咸豐八年美國新約內並無此條但新約內亦未將舊約各條議明作爲廢紙是舊條未更改之各條仍應爲例其道光年間之約洋文指明三項船隻一係美國三板等船一係哈爾唎鉢得即撥一係中國艇隻其美國三板等船不載貨此口往彼口者不應納鈔其哈爾唎鉢得載

有例應納稅之貨應納鈔其中國艇隻被僱者不應納鈔其中國艇隻被僱而不納鈔之故竊以爲必此等船隻既係照內地章納船料之船所以特免其重納洋船之鈔其哈爾唎鉢得一項船隻按照洋文解即係不出口在口內撥貨之船若云漢文條約並無此項名目祇有美國三板等船一項惟洋文既有哈爾唎鉢得之名此項即可入於條約所載等船兩字樣之內憑此條辦理美商之撥船似應納鈔可無異說又查道光二十四年法約第十五款內云所有大法國三板等小船無論有篷無篷附搭過客載運行李書信食物並無應稅之貨者一體免鈔若該小船載運貨物照壹百伍拾噸以下之例每噸輸鈔銀壹錢倘大法國商人僱賃中國船艇該船不輸船

鈔等語咸豐八年法國條約第二十二款復擬未改至同治四年始將僱用之華船勿庸納鈔者改爲此海口往彼海口者應納鈔長江此口往彼口者應輸船料又查道光年間英國各條約祇有由香港赴省由省赴澳之小船如何徵免之議惟咸豐八年之約已載明將舊約作爲廢紙是道光年間之約自係毋庸議者也至咸豐年間之新約查漢文第三十一款內載云英商在各口自用艇隻運帶客人行李書信食物及例不納稅之物勿庸完鈔倘帶例應完稅之貨則每四個月一次納鈔每頓壹錢等語細閱此漢文語意似僅係一言不過指一項船隻謂帶例不納稅之物則曰勿庸完鈔帶例應完稅之貨則應納鈔耳且漢文款內之在各口三字作何解法自係在各口之口內不出口載貨之船卽撥船卽哈爾唎鉢得是當時中國議約大臣所議及莫非口內之撥船若復察備存軍機處之英國原文語意此款內則有兩整句第一句卽英民所用之小船運帶客人行李書信食物及例不納稅之物自此通商口岸至彼通商口岸者勿庸納鈔第二句卽惟凡有哈爾唎鉢得運帶例應完稅之貨者則均須每四個月一次納鈔每頓四錢按英文譯漢文卽係此意款內雖另有漢文英文不符之處然可云亦有相符處中國議約大臣議及艇隻在各口運帶例應納稅之物則每四個月一次納鈔而英國議約之大臣明

言哈爾爾鉢得貨不出口撥船之專名運帶例應納稅之物則每四個月一次納鈔是彼此訂約之時難道必

無所見略同處耶而其所同處則即撥船應納鈔也又查德國咸豐十一年議訂條約之第二十三款內載德民在各口用艇隻運帶客人行李書信食物及例不納稅之物毋庸完鈔倘該小船一併載運例應完稅之貨物即按照壹百伍拾噸以下之例每噸納鈔壹錢等語查德國訂此條將先訂之英約法約語意復爲議之若其漢文有未明晰之處何能復用惟德約仍用在各口三字若問有無撥船在各口應納鈔之意在內查當時德國議約大臣隨員內有巴大人而巴大人現係德國駐京大臣先數月擬議吳淞章程時內有一章載明撥船應行納鈔若干若正條約之意係撥船不應納鈔其續議之約何得有撥船應行納鈔之說而其議續約之大臣似可謂係議原約之大臣更不致出有先後不符處其餘各國之條約於已引之英法美德各約相同毋庸逐較是以條約章程而論明係口內之撥船例應納鈔若仍有人不以公會所辦爲理不以約章所訂爲例則仍可另存一說中國係自主之國界內擬訂何章即可訂何章勿庸商議於他國倘有某事商同允准他國訂約則其事應按約訂之章辦理而萬事內凡有尙未商同他國定爲如何辦理之事則其事仍可自主其權至撥船徵鈔一層各條約內並未載明有免鈔之議若彼謂亦無徵鈔之議其事即歸於尙未議及尙未允准尙未定約之事焉得不可自

主其權耶總之按情而論應抽其釐有公會之局可證按例而論應徵其鈔有條約之章可據按萬國公法而論自主之權仍在

一 美英兩國大臣函稱吳淞撥船無庸納鈔一節查吳淞係江岸之集鎮洋船駛抵吳淞對面之江面即係已經進入

上海通商口岸界內之船惟尙未到章准起下貨物之泊所耳

英國大臣云吳淞口係在通商口岸界內即此意也德國新約添開吳淞之議係將吳淞認爲長江六處一律而德商德船在吳淞約准作之事則他國商他國船憑一體均霑之例亦可以往作按理而論占其益即應守其章惟按法國條約而論別國所定章程不在法國條款內者法國官民不能限以遵守惟別國特得之益法國亦與焉等語是中國允從德國訂章將吳淞開辦其餘各國可憑一體均霑之例援引法國條約第四十款以致占其益而不守其章而原議約之國雖新約內載有援益遵守之專條亦可憑一體均霑之例翻云此章雖係我所訂之章既不可施行於他國亦不可施行於我以致原國得其益而不守其章也吳淞一開如是之歧出多端且一俟新購之機器船將攔江沙中途挖深時則吳淞必無洋船停泊必無撥船撥貨即可勿庸虛費其心復議吳淞撥船如何辦理也祇宜設法妥訂撥船一項通行之善章統諭各口一體畫一辦理可也

一若能訂章飭通商口岸洋商自備之撥船納鈔此項船鈔年終可收約在貳千兩上下之數以此收數而論收與不收實無關於出入惟撥船若無訂章須守無統轄須歸其所行所爲有錯誤處難保與關務無礙是凡撥船均應赴關請領一准作撥船之執照均應由關給以記字號數由船將其字號標書於其船上以便一望而知其無此執照無此記號者一概不准攬載洋船撥運之生意緣洋船進出各口起下貨物不能靠碼頭者不得不用撥船撥貨其起貨下貨時若所用之撥船船傍俱有記字號數關差易於稽查若有事故出易於憑號數向領執照之人是問若船傍無記字號數稽查管理兩難向來各關稽查稅務無過於撥船無號數無執照爲最難而其無號數無執照並非出於洋商不肯畫號數不肯領執照實出無所可憑通行之章今華商一體領照畫號也此次辯論撥船應否納鈔一事若應納鈔以完案自年終約可得貳千兩上下之款惟各國肯否允從尙不可知而較此令其納鈔一事尤爲要緊者係令各船於起貨下貨時遵守善章是以於辯論時不若先言之曰按我所見照條約辦理撥船自應納鈔無事他說再曰若不以此爲然我另有辦法若以此另有之辦法爲然則不令撥船納鈔我亦允從其所應該另有之辦法以及應統諭各商遵守之處其法列後

一凡有口內作撥船生意之船須赴關請領撥船之執照後須按照此執照內訂之號數大書於船傍凡無此執照無此號數者無論華洋一概不准隨同洋船起下撥貨凡有此執照撥貨者須照章赴海關指定之碼頭候驗違者即將其執照撤銷不准撥貨

一凡有洋船進口須報關報關後須請一開艙單方准開艙起貨此開艙准單祇係准原船開艙起貨並非准各貨商將其貨物散運各棧各船完清稅餉之後方准發給紅單領事官接到紅單始發回船牌等件准其出口

一凡洋船請領開艙單外須由各貨商各請領各貨准單方准將原船運進口之貨照單運赴海關所訂之各碼頭遵驗納稅後准入棧

右開之三條其第二第三係將各國條約已載明之款擇約而言爲商遵守祇須再行統飭各商遵照其第一條係將各口章程向有之款略爲增條惟向章至今多有未能照辦之窒礙處若允從撥船勿庸納鈔一層極應商請各國將以上三條申明轉飭各口領事官曉諭洋商知悉遵照施行以便無誤

ENCLOSURE No. 2.

LETTER FROM THE INSPECTOR GENERAL OF
CUSTOMS TO THE TSUNGLI YAMÊN.

The Inspector General has received the Tsungli Yamên's letter of the 27th January, stating that a letter had been received from the British Chargé d'Affaires, Hon. T. G. Grosvenor, in which he informed the Yamên that he had been addressed by the *Feng-tê-huei* firm,* to the effect that the Foreign Customs are levying Tonnage Dues upon Cargo-boats employed in the discharge of cargo at Woosung; that the question of the liability of Cargo-boats to Tonnage Dues had been brought by the British Minister, Sir Thomas Wade, to the notice of his colleagues some time since, when, as the Foreign Ministers declined to assent to the levy of Tonnage Dues upon "boats," such levy was discontinued; and that he had therefore to request that the practice since then in force be continued, and that orders to refrain from levying such dues be issued afresh (to the Customs).

Regulations in this connexion, the Yamên goes on to say, formed the subject of discussion (between itself and Foreign Ministers) in the year 1880, but as no agreement could be then arrived at, action in the matter was for the time being postponed. The Inspector General is therefore instructed to report—1°, whether subsequent to 1880 all action in this connexion has been suspended, or whether new rules have been recently enforced; and 2°, what bearing, if any, this matter has upon the terms of the Treaty recently arranged with Germany. He is also directed to report at the same time with reference to a letter upon the same subject received from the United States Minister, Mr. Young, stating that Woosung Cargo-boats engaged in the conveyance of merchandise within the port not being liable to Tonnage Dues, the recent order issued at Woosung requiring them to pay dues is a serious interference with trade, and requesting, therefore, that instructions (to discontinue the levy of such dues) be issued to the Superintendent of Customs at Shanghai.

The Inspector General would state, in reply, that so far back as 1854 Regulations were drawn up defining the limits of the port of Shanghai for Customs purposes. [Under these Regulations] the outer limit of the harbour was drawn outside Woosung. Vessels

*?The Shanghai Cargo-boat Company, whose Chinese designation is *Huei-tê-feng*.

which had crossed this line and reached that part of the river which lies opposite to Woosung were held to have already entered the port of Shanghai, but before they were permitted to ship or discharge cargo they had to proceed onwards to the section set apart by the Regulations for working cargo, namely, the Inner Harbour. Inside of Woosung, however, is the Woosung Bar, which cannot be crossed by vessels of deep draught. The Customs therefore granted special permission to such vessels to anchor temporarily at Woosung, and also allowed Cargo-boats to proceed thither from Shanghai and lighten these large ocean-going vessels of sufficient of their cargo to enable them to cross the bar and proceed to the section of the harbour set apart for the shipment and discharge of merchandise, where the balance of their cargo was discharged under the ordinary Regulations. This permission to discharge at Woosung was therefore a special privilege, granted in consequence of the special natural conditions of the river. It did not sanction discharge from all vessels at all times, but merely authorised the discharge into Cargo-boats for conveyance (to Shanghai) of such small portion of the original cargo as would enable the importing vessel to cross the bar.

From 1854 to 1882 the practice continued the same. In 1882, however, the recent German Treaty having made Woosung a place of shipment and discharge, the Woosung Regulations were drawn up, one of which authorises vessels (of all kinds) to discharge cargo into and ship cargo from Cargo-boats at Woosung. The permission granted to vessels under this rule is not in all respects identical with that which it had been customary previously to grant.

The permission previously granted was a special privilege accorded to but one class of vessels, namely, to ships of great draught, and authorised only the discharge of sufficient cargo to enable them to cross the bar; that granted by the new Regulations is granted to all vessels, and authorises the shipment and discharge of cargo by them at all times, and [instead of the importing vessel having, as before, to proceed into the Inner Harbour to complete her discharge] the entire cargo can now be conveyed in Cargo-boats to or from Shanghai. The privilege granted under the new Regulations, too, is permanent, while that which it had been customary previously to grant was but temporary. It was in consequence of this difference that another rule, which was assented to by the German Minister, was introduced, providing that Cargo-boats should pay Tonnage Dues.

The boats covered by the regulation authorising the conveyance of cargo between Shanghai and Woosung are of two classes. First,

those despatched by Shanghai merchants of all nationalities to Woosung to lighten deep-draught vessels sufficiently to enable them to cross the bar. The payment or nonpayment of Tonnage Dues by boats of this class will of course follow the same rule as obtained before the signature of the German Treaty. Second, those employed by German merchants—and merchants of all other nationalities claiming the privileges of the German Treaty,—in accordance with the terms of the new Treaty, in conveying merchandise between Shanghai and Woosung at all times and to or from all vessels. The payment of Tonnage Dues by boats of this class will of course have to be regulated in accordance with the special Regulations of the new Treaty. But though shipment and discharge of cargo at Woosung are authorised by the new Regulations, shipment and discharge will never in fact take place there, for Woosung not being a centre of trade, merchandise will, as heretofore, have to be sent to Shanghai to find a market, and will be carried thither by the importing vessel, though, owing simply to the existence of the bar, vessels of large size will have to lighten there. Cargo-boats employed for this purpose will not, however, be conveying goods in the sense of the recent German Treaty, but in the sense for which provision was made by the earlier procedure, and when the channel across the bar has been deepened, with the aid of the expected dredger, vessels will not have to wait at Woosung at all to lighten. Thus, though the recent Treaty distinctly provides for the payment of Tonnage Dues by Cargo-boats, it is very unlikely that payment under these stipulations will ever have to be made; and the Regulations recently framed, in consequence of the opening of Woosung under the German Treaty, have therefore but little to do with the question of the liability of Cargo-boats to Tonnage Dues. The only means of deciding this question is careful examination of the wording of the various clauses bearing upon this point in the Treaties concluded with Foreign powers. A Memorandum reviewing the matter in all its details has therefore been drawn up by the Inspector General, and is enclosed herewith.

The interpretation given to the Treaties by the British and United States Ministers, when, as in their letters, they claim that Cargo-boats are not liable to Tonnage Dues, might, in the Inspector General's opinion, be refuted from the Treaty itself, but the ground is not quite sure; and thus those who argue that Cargo-boats are required, and those who argue that they are not required, to pay Tonnage Dues are each in a position to quote the Treaty in support of their own views. For this reason, and because from a revenue point of view it is of little importance whether these boats pay or

whether they do not pay, an alternative plan of dealing with them is proposed in the Memorandum, with a view to a definite settlement of the question of their treatment.

With reference to that portion of the letter under reply which states that orders were issued to defer putting in operation the rules proposed in 1880, and inquiring whether or no since then the levy of Tonnage Dues on Cargo-boats had been entirely suspended, the Inspector General begs to state that these orders, on receipt, were at once transmitted to the Commissioners, with instructions to wait until Regulations in this connexion had been definitely settled before taking further action. Up to the present no such Regulations have been definitely agreed upon, and therefore, though Tonnage Dues had in certain cases been previously collected from Cargo-boats at some ports, under rules identical with those proposed in 1880, no steps have been taken since then towards putting those rules in operation. The further query as to what bearing the Shanghai practice has upon the clause in the recent German Treaty authorising the shipment and discharge of cargo at Woosung has been already replied to above.

PEKING, *7th February* 1883.

MEMORANDUM ON THE TREATMENT OF CARGO-BOATS.

1.—Merchant vessels, in addition to the various kinds of duty leviable upon their cargo, have to pay either Tonnage Dues or Port Dues [according to their build]: Port Dues, calculated under the rules affecting Native trade, if of Chinese build; Tonnage Dues, calculated as laid down by Treaty, if of Foreign build.

2.—As regards Tonnage Dues, the Chinese text of all the Treaties provides—

- 1°. That Foreign vessels of over 150 tons burthen shall pay at the rate of four mace per ton; if of 150 tons burthen or under, at the rate of one mace per ton; and
- 2°. That boats employed personally at the port by Foreign merchants in the conveyance of goods not subject to duty shall not be required to pay Tonnage Dues, but that all such boats conveying dutiable merchandise shall pay Tonnage Dues once every four months at the rate of one mace per ton.

The clause of Article XXII of the French Treaty, which originally read “*Les négociants français pourront toujours affréter des jonques et autres embarcations françaises, lesquelles [lit. Les embarcations chinoises affrétées par négociants français] ne seront soumises à aucun droit de tonnage,*” was in 1865 amended by agreement to “Native craft chartered by French merchants, if sea-going, shall pay Tonnage Dues once every four months at the rate of one mace per ton; if trading on the Yangtze only, they shall be dealt with according to the Special Yangtze Regulations,” *i.e.*, shall pay Port Dues in conformity with the rules affecting Native trade. Since 1865, sea-going vessels and vessels trading on the Yangtze,—*i.e.*, Foreign vessels belonging to Foreigners, and Native craft chartered by Foreigners respectively,—have in all cases, in conformity with the terms of the Treaty clauses above quoted, been called upon to pay either Tonnage Dues or Port Dues, as the case may be, and payment has been made without demur.

But in addition to the vessels trading on the coast or on the Yangtze, there is still another class at each port—namely, Cargo-boats,—whose business consists in the conveyance of merchandise within the limits of the port only. How, then, should these boats, which carry merchandise at the port itself only, be treated? Should they pay Tonnage Dues, or should they pay Port Dues? or, again, should they be exempted from both one and the other?

3.—Vessels which carry merchandise within the port limits only are in English termed “Cargo-boats.” The business of such boats consists in conveying cargo brought by ocean-going vessels, whose size prevents their going alongside wharves, from the importing vessel to the landing-place nearest the importer’s warehouse, and in conveying produce ready prepared for shipment from shore to the exporting vessel. In considering the question whether boats of this class should or should not pay Tonnage Dues [it will be well to glance at their treatment outside the Customs].

There are at Shanghai two Foreign settlements, one situated north of the Yang-king-pang, the other south of that creek. The latter is administered by a body of French merchants, known as “the Municipal Council;” the former by a body of British merchants, also termed “the Municipal Council.” The most important of their duties is in connexion with the public roads, such as keeping them in repair and the like; and each Council has a regular procedure (or frames a budget) of its own for providing the necessary funds. Under these rules Cargo-boats plying to landing-stages within the settlement administered by French merchants have to pay license fees according to size:—

Covered Cargo-boats	\$2.00 a month.
Uncovered Cargo-boats, large	\$1.50 „
„ small	\$0.50 „

Those plying to stages within the settlement administered by British [and other] merchants have to pay—

If over 25 tons burthen	\$3.00 a month.
If under „ „	\$1.50 „
Native boats of about 10 tons burthen .	\$0.50 „

(In 1879 there were 110 of this class.)

Native boats of about 7 tons burthen . .	\$0.25 a month.
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(In 1879 there were 702 of this class.)

Cargo-boats usually plying within one settlement, if they proceed to landing-places within the other settlement, have, it is said, to pay fees at the second settlement in addition to those of the one to which they properly belong. Cargo-boats, however, belonging to individual firms, as they do no business for outsiders, are not required to pay fees; the boats on which fees are levied being, not boats belonging to steamer companies or merchants, but boats belonging to Cargo-boat companies, whose business consists exclusively in the carriage of cargo within the port. Their earnings depend upon the amount of cargo they carry, and hence [as they do

more business by plying to two settlements than they would by plying within one only], though both settlements levy fees, such fees are paid without demur, and no objection is raised either to the Council levying them or to the Cargo-boat companies having to pay them. It is evident, therefore, that the merchants in each settlement are themselves of opinion that Cargo-boats ought to be subject to fixed rules, and that it is no more than just that the Cargo-boat companies should contribute from their profits towards the local public expenditure. It will be objected perhaps that [the levy of dues by the Customs and of fees by the Councils are not analogous cases, because] the revenues of the Municipal Councils are expended locally in works calculated to facilitate trade. The answer is that the dues levied upon Cargo-boats by the Customs would be expended in public works which would prove of still greater utility to their business, for such dues would go towards providing lights in the neighbourhood of each port, which would facilitate the approaches to the port, and the larger the number of vessels arriving, the larger will be the imports; and the larger the imports, the more there will be for Cargo-boats to do. The Cargo-boat business being thus developed and its profits increased, that the Customs should levy dues is no less just than that the Councils should levy fees. Such is the treatment of Cargo-boats at Shanghai.

Coming now to the various Treaties, it will be seen that Article VII of the United States Treaty of 1844 provided that "No Tonnage Duty shall be required on boats belonging to citizens of the United States employed in the conveyance of passengers, baggage, letters, articles of provision, or others not subject to duty, to or from any of the five ports. All Cargo-boats, however, carrying merchandise subject to duty shall pay the regular Tonnage Duty of one mace per ton, provided they belong to citizens of the United States, but not if hired by them from subjects of China."* This clause was omitted from the Treaty of 1858, but as there was no clause in the later Treaty abrogating the earlier Treaty in its entirety, every article in the latter not specifically amended was as binding after as it was before the conclusion of the later Treaty. Now the English text of the Treaty of 1844 distinctly enumerated three classes of boats: 1°. "Boats belonging to citizens of the United States;" 2°. "Cargo-boats;" and 3°. "Native craft hired by

* Chinese text reads:—"Small boats (sampan) and such craft, the property of citizens of the United States, and employed by them at the open ports in the conveyance of passengers, baggage, letters, and miscellaneous articles of provision not subject to duty, shall not be required to pay Tonnage Dues. If, however, they carry merchandise, they shall come within the category of vessels of under 150 tons burthen, and pay [Tonnage Dues] at the rate of one mace per ton. Native craft chartered by citizens of the United States do not come within the category of vessels liable to Tonnage Dues."

citizens of the United States." The first class, when employed in the conveyance between the open ports of articles not dutiable, were not required to pay Tonnage Dues; Cargo-boats conveying merchandise subject to duty were required to pay Tonnage Dues; while Native craft chartered by citizens of the United States were exempted from payment. The reason for thus treating this latter class was almost undoubtedly that as they would be liable as Native craft to Port Dues under the rules affecting trade, it was thought right that they should be specially exempted from having also to pay Tonnage Dues as Foreign vessels.

Cargo-boats, in the sense in which the term is used by Foreigners, are boats employed in the conveyance of merchandise within a port only. In the Chinese text there is no separate mention, it is true, of Cargo-boats, the expression used being "Small boats (*sampan*) and such craft, the property of citizens of the United States." But as Cargo-boats are specifically designated in the English text, it may be taken for granted that they are covered in the Chinese text by the expression "and such-like boats." Were Cargo-boats, therefore, the property of American subjects, required, upon the strength of this Treaty article, to pay Tonnage Dues, no objection could, it would seem, be legitimately made.

Again, Article XV of the French Treaty of 1844 provided that "Sont exemptés du droit de tonnage, les barques, goëlettes, bateaux caboteurs et autres embarcations françaises, pontées ou non pontées, employées aux transports des passagers, bagages, lettres, comestibles et, généralement, de tous objets non sujets aux droits. Si les dites embarcations transportaient en outre des marchandises, elles rentreraient dans la catégorie des navires jaugeant moins de 150 tonneaux et payeraient à raison de un dixième de taël (un mace) par tonneau. Les négociants français pourront toujours affréter des jonques et autres embarcations chinoises, lesquelles ne seront soumises à aucun droit de tonnage." *

Article XXII of the French Treaty of 1858 was couched in the same language; but in 1865 the last clause, that "Native craft chartered by French subjects should not be required to pay Tonnage Dues," was amended as follows:—"Native craft chartered [by French subjects] trading between Coast Ports shall pay Tonnage Dues; if trading only on the Yangtze, they shall pay Port Dues."

* In Chinese: "Sont exemptés du droit de tonnage les *sampaus* et autres embarcations françaises, pontées ou non pontées, employées aux transports des passagers, bagages, lettres, comestibles et d'autres objets non sujets aux droits. Si les dites embarcations transportaient des marchandises, elles rentreraient dans la catégorie des navires jaugeant moins de 150 tonneaux et payeraient à raison de un dixième de taël (un mace) par tonneau. Les embarcations chinoises affrétées par négociants français ne seront soumises à aucun droit de tonnage."

As regards Great Britain, the Treaties entered into by that nation in 1842 and 1843 only provide for the payment or exemption from payment in respect of small vessels trading between Hongkong and Canton and between Canton and Macao, but the Treaty of 1858 having expressly provided for the abrogation of the earlier Treaties, it is unnecessary to consider these original stipulations.

Coming now to the Treaty of 1858, the Chinese text of Article XXXI reads: "Boats employed at the open ports by individual British firms in the conveyance of passengers, baggage, letters, articles of provision, or other articles not subject to duty, shall not be required to pay Tonnage Dues. If, however, they carry merchandise they shall pay Tonnage Dues once every four months at the rate of one mace a ton." If the wording of the Chinese text of this article be carefully considered, it will, I think, be evident that the clause consists of but one sentence, and has reference to one class of boats only, which, it provides, are to be exempted from Tonnage Dues if they carry articles not subject to duty, but are to pay Tonnage Dues if they carry dutiable merchandise. Moreover, the words 在各口, *at the open ports*, in the Chinese text, show that this one class of boats are vessels employed at the open ports in conveying merchandise solely within the limits of the port, *i.e.*, Cargo-boats. When concluding this Treaty, therefore, the High Commissioners on behalf of China made provision in this clause for Cargo-boats, and for Cargo-boats only. Further, if reference be made to the original English text of this Treaty deposited with the Cabinet (*Chün-chi-ch'u*), it will be found that this clause consists of two distinct sentences. The first of these reads:—"No Tonnage Dues shall be payable on boats employed by British subjects in the conveyance of passengers, baggage, letters, articles of provision, or other articles not subject to duty, between any of the open ports." The second reads:—"All Cargo-boats, however, conveying merchandise subject to duty shall pay Tonnage Dues once in four months at the rate of four mace per register ton." Such is the English version, and though it differs on some points from the Chinese, there is no doubt that on other points there is a strict agreement between the two texts. The intentions of the High Contracting Powers were, it is evident, in accord in respect of one matter, and that was the liability of Cargo-boats to Tonnage Dues; for the High Commissioners on behalf of China stipulated that *boats* employed at the open ports in the conveyance of dutiable merchandise should pay Tonnage Dues once every four months, and the High Commissioners on behalf of Great Britain distinctly declared that *Cargo-boats*—a designation applied only to boats employed solely within the limits of the port in the conveyance of goods—should,

if they carried dutiable merchandise, pay Tonnage Dues once every four months.

Article XXIII of the Prussian Treaty of 1861 reads:—"Sont exemptés des droits de tonnage les embarcations employées [in Chinese, à chaque port] par les sujets des États allemands contractants au transport de passagers, bagages, lettres, comestibles et de tous objets non sujets aux droits. Si les dites embarcations transportaient en outre des marchandises sujettes aux droits, elles resteraient dans la catégorie des navires jaugeant moins de cent cinquante (150) tonneaux et [in Chinese, Si . . . aux droits, donc d'après la règle pour les navires jaugeant moins de cent cinquante tonneaux elles] payeraient un droit de tonnage d'un (1) mace par tonneau."

Now, Germany, when arranging this Treaty, adopted the text of the Treaties already concluded with Great Britain and France. Had there been, therefore, any uncertainty as to the meaning of the Chinese text, this text would scarcely have been employed anew as it stood [but would to some extent at least have been modified]. So far from this being done, the words "*at the open ports*" were retained in the German Treaty. The question, then, is, was the intention of this article to make Cargo-boats employed at the ports pay Tonnage Dues?

Now, one of the suite of Comte d'Eulenburg, who negotiated this Treaty, was Herr von Brandt, the present Minister for Germany at Peking, who a few months since assented to the Woosung Regulations, one of which provides for the payment of Tonnage Dues by Cargo-boats. Had the intention of the original Treaty been to exempt Cargo-boats from Tonnage Dues, the Supplementary Treaty would scarcely have required them to pay these dues; but as Herr von Brandt, who concluded the Supplementary Treaty, may be regarded as one of the framers of the original Treaty, that there should be any (radical) divergence between the provisions of the two documents is still more unlikely.

The provisions of the Treaties concluded with other Powers, being identical with those [of some one] of the Treaties already quoted, need not be considered in detail. It is evident, therefore, that under the Treaties Cargo-boats ought to pay Tonnage Dues. Should it, however, still be contended that the Municipal Councils are not justified in collecting fees, and that by Treaty no rule is established requiring the payment of dues, such objections may be met by the following argument. China, as an independent nation, has full power within her own dominions to fix her own Regulations without reference to any other Government. Matters, however, which China has consented should form the subject of Treaty with

other Powers can only be regulated in the manner laid down by Treaty; but in all matters for the regulation of which no arrangement has been come to with other nations, China can exercise her sovereign power just as though there were no Treaties. In the matter of Cargo-boats, then, if it be contended that there is no clause in the Treaties requiring them to pay Tonnage Dues, as there is certainly no clause exempting them from payment, the question of their liability comes within the category of matters for which no provision has been made, which China has not agreed should be treated in any specified manner, and which have not formed the subject of Treaty stipulation. It is a matter, therefore, regarding the treatment of which China can exercise her sovereign power. In a word, so far as justice is concerned, Cargo-boats should contribute to the public wants,—witness the action of the Municipal Councils; so far as right is concerned, they should pay Tonnage Dues,—witness the Treaty stipulations; and so far as international law is concerned, China has not abandoned her sovereign power (to fix what Regulations she may deem fit for their control).

4.—The Ministers for Great Britain and the United States contend that boats employed in the conveyance of cargo to and from Woosung are not required to pay Tonnage Dues. Now, it must be remembered that though vessels which have proceeded up the river so far as Woosung are held to have entered within the limits of the port of Shanghai, they are still outside the section set apart by the Regulations for the shipment and discharge of cargo. It is to this fact that the British Minister refers when he says that Woosung is within the Treaty Port limits. The recent German Treaty, however, changed the status of Woosung, and made it a port of call,* under the same conditions as hold good for the six stages on the Yangtze; and the privileges as regards Woosung granted under this Treaty to German firms and German shipping may be claimed under the most-favoured nation clause by the merchants and shipping of all other nationalities.

In justice, of course, those who claim the privileges granted to others should be bound also to accept the conditions under which those privileges were accorded; but by the French Treaty, though French subjects are to enjoy all privileges specially conceded to other nations, French officials and French subjects shall not be bound by

* Article I of the Supplementary Convention (1880) between Germany and China, and Article I of the Special Stipulations attached to that Convention, designate Woosung as a "Hafen," the word consistently used in this and other German Treaties with China for "treaty port," while the word used for "port of call" is "Landungsplatz." Furthermore, port of call regulations apply solely to river steamers, but no such limitation is imposed by the treaty articles cited. As a matter of fact, also, during the eighties ocean-going steamers coming from and going to foreign countries used to call regularly at Woosung to discharge or ship cargo.

any obligation not contained in their own Treaty. So that while China agreed with Germany to open Woosung to trade under certain Regulations, all other nationalities, by appealing under the most-favoured nation clause to Article XL of the French Treaty, can claim the privileges [granted to Germany] and at the same time refuse obedience to the conditions under which these privileges were granted; and thus the Contracting Power itself—though in its own Treaty there is a special clause binding its subjects if they avail themselves of the privileges to comply with the attendant conditions—may turn round and, claiming the benefit of the most-favoured nation clause, say, “We agreed to these Regulations, it is true; but as you cannot make them binding upon other Powers, you cannot hold them to be binding upon us.” The result is, then, that in the end the Contracting Power also secures the privileges without complying with the conditions it had agreed to—a condition of things which, so soon as Woosung is opened to trade, can scarcely fail to give rise to many difficulties.

Moreover, when, with the dredging machine recently purchased, the channel across the bar shall have been deepened, vessels will cease to anchor at Woosung, and there will then be no occasion to use these boats for the transport of cargo. The question, therefore, how Woosung Cargo-boats should be treated is of little importance. Instead of wasting time and trouble in the further discussion of this point, it would be preferable to endeavour to devise suitable general rules to be made obligatory on all Cargo-boats at every Treaty Port.

5.—Were it made the rule that Cargo-boats belonging to Foreign merchants at the Treaty Ports shall be required to pay Tonnage Dues, the annual collection from this source would probably amount to some *Tls.* 2,000. Looking at receipts alone, this sum is too trifling to render it a matter of much importance whether Cargo-boats pay or do not pay. But, so long as there are no rules to which these boats have to conform, and no authority to which they have to submit, they may very possibly act in a manner prejudicial to the revenue. All Cargo-boats, therefore, should be required to take out a license from, and to register at, the Customs, and, for purposes of identification, be bound to have their register number painted [conspicuously] upon them; and unlicensed or unregistered boats should not be permitted to ply as Cargo-boats, and for this reason. Foreign vessels which cannot go alongside a wharf at any port have no alternative but to employ Cargo-boats. Now, if the Cargo-boats employed to transport a vessel's import and export cargo bear their register numbers conspicuously upon their sides, the work of the Customs Examiner is greatly facilitated, and in the event of malpractices, the recipient of the license can

without difficulty be made responsible on the strength of the boat's number; but if the boat bear no number, the difficulties in both respects are much greater. In fact, the chief difficulties experienced by the various Custom Houses in the examination of cargo for revenue purposes have resulted from the fact that Cargo-boats are neither licensed nor registered. That they did not register and take out a license was not, however, due to any objection on the part of Foreign merchants to apply for a license or to have their boats registered, but to the fact that there was no general rule which required the registration and licensing of Native boats as well as of Foreign.

If it is decided that Cargo-boats are to pay Tonnage Dues, some *T*/s. 2,000 more or less will be collected annually. But it is not at all certain that the Treaty Powers will agree to such a settlement, and in any case it is of much more importance that Cargo-boats should be dealt with according to fixed rules than that they should have to pay Tonnage Dues. In discussing this matter, therefore, it would be well to state first: "As we read the Treaties, Cargo-boats are undoubtedly required under them to pay Tonnage Dues;" and to state afterwards: "If this interpretation be not accepted, we would propose an alternative procedure, and are prepared, in the event of its acceptance, to agree to waive the levy of Tonnage Dues upon Cargo-boats." This procedure, and the rules which merchants should be instructed to conform to, are the following:—

- (i.) Every boat engaged in the transport of cargo within the limits of a port shall make application to the Customs for a "Cargo-boat license," and shall then have painted in conspicuous characters upon its sides the number specified in the license. No unnumbered or unlicensed Cargo-boat, whether Foreign or Native, shall be permitted to convey cargo to or from any Foreign vessel. Licensed Cargo-boats shall in the usual way proceed to the jetty appointed by the Customs, and there await examination of the cargo carried by them. Any Cargo-boat guilty of an infraction of this rule shall have its license cancelled, and be no longer allowed to ply as a Cargo-boat.
- (ii.) Every Foreign vessel arriving at a Treaty Port shall report to the Customs, and then apply for a permit to break bulk. This permit will only authorise the vessel to break bulk and discharge cargo, but will not authorise the consignees of the cargo to take delivery of their merchandise. When a vessel has paid all dues and duties leviable, a Port Clearance

will be issued to her. Upon receipt of this Port Clearance, but not sooner, the Consul will return to the vessel her papers, when she will be at liberty to leave the port.

- (iii.) A permit to break bulk having been issued to the vessel, consignees of cargo shall severally apply for their respective goods. Upon issue of such permits, they will be at liberty to convey their goods from the importing vessel to the jetties appointed by the Customs, where they will await examination. Duty having been paid, the goods may be removed to the merchant's godown.

Of these rules, Nos. ii and iii are but reproductions of certain of the Treaty stipulations for the merchant's observance; it is only necessary to re-state them. No. i is a slight amplification of rules already in force at the ports. In the past, however, great difficulty has repeatedly been experienced in enforcing such rules. If, therefore, China agrees to exempt Cargo-boats from payment of Tonnage Dues, it is a matter of great importance, if these rules are not to prove a failure, that the Foreign Ministers be requested to explain the intention of them to their respective Consuls, and instruct them to see that their nationals conform to them.

CIRCULAR No. 232 (SECOND SERIES).

**Customs Staff: conduct of employ  s both on and off duty,
superiors' responsibility for.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 29th August 1883.

SIR,

1.—The possible consequences of the very lamentable affair that has just occurred at Canton, in which three of the Out-door Staff were implicated, while one Chinese was killed and two were wounded, force me to call attention again to the necessity of refusing to employ men addicted to drinking.*

* This is known as the Logan case, from the fact that it was J. H. Logan, an Assistant Examiner, who fired on the 12th August, under the circumstances described, the fatal rifle shot which killed one boy and wounded two men. By the instructions of Circular No. 146 (q.v., p. 417) Logan was obliged to resign immediately and place himself as a British subject in the hands of his Consul. He was tried on the 20th September before Chief Justice Rennie at Canton, found guilty of manslaughter, and was sentenced to seven years penal servitude, the maximum penalty impossible under English law (*vide* "North-China Herald," vol. xxxi, No. 848, 28th September 1883, pp. 384, 385; and "London and China Telegraph," 1st and 13th October 1883). The sentence was regarded by the Chinese as too light, and the resentment thereby aroused had much to do with the popular unrest that supervened in Canton.

2.—It is, as you know, a standing rule that whoever is reported to me by a Commissioner for drunkenness or assault shall be dismissed. The utility and value of this rule as a check upon drinking, etc., are much interfered with by the good nature which screens or condones petty or occasional lapses—a good nature which in the majority of cases, is in the end proved to have been misplaced, for in point of fact it encourages the habit, ruins the individual, and disgraces the Service, to say nothing of the sorrow and suffering, as in this instance, caused to outsiders.

3.—I therefore give you notice that a more careful supervision of the Customs Staff serving under your orders will in future be looked for. I wish to interfere as little as possible with the private life or private doings of any employé, but it must be understood that, as far as *conduct* is concerned, there is no such thing as “*off duty*” so long as Customs pay is drawn, and, farther, that the quarters employés occupy, provided by the Customs or paid for by Customs allowances, are all under the Commissioner’s supervision, while those occupied by members of the Out-door Staff, and all that goes on there, are besides to be specially seen to by the Tidesurveyor—or such officers as Commissioner and Tidesurveyor may from time to time depute; and this supervision is not to be an empty or meaningless thing, but is to be a reality, and is to put a stop to such spree as lead to drunkenness and quarrelling, and such card-playing carousals as make men cease to be their own masters, and terminate more or less disgracefully and fatally, like that of a fortnight ago at Canton. It is quite evident to me that the night those three men spent in playing euchre for beer, and in drinking inordinately, was not the first beginning or starting point, but that the bad habit had been in full swing before, and had either been screened by comrades, or remained undetected or been condoned by superiors: however this may be, it is not to pass unmarked, and the Out-door Deputy Commissioner, Tidesurveyor, and Boat Officer—the three members of the Canton Customs specially charged with the control and supervision of the Out-door Staff there—have in consequence been removed.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 239 (SECOND SERIES).

Office Work and Records; unauthorised disclosure of, prohibited.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 7th September 1883.

SIR,

You will state to your subordinates ashore and afloat that they are not to furnish information to anyone unless through yourself respecting the duties they perform or the affairs they become acquainted with in the performance of those duties, and that they are not to allow the official books, papers, and documents they have charge of to be inspected, perused, or copied by any but their official superiors without your express authority; and you will note for your own guidance that you are not to sanction any such departure from the rule on their part, and are to observe the same silence and follow the same rule yourself, unless specially requested to act otherwise by your colleague the Superintendent, or authorised to do so by the Inspector General. Further, you will take note that, without express permission conveyed through the Inspector General, the office you have charge of is not to be open to the inspection or researches of anyone desirous of becoming acquainted with our system and the details of its inner working.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 241 (SECOND SERIES).

Foreign Courts; Evidence of Customs Employés in: I.G.'s views.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 13th September 1883.

SIR,

1.—In continuation of my Circular No. 221:

Respecting *Summonses* and *Foreign Courts*:

I have to call your attention to a distinction that must be drawn and the action then to be taken.

2.—The principle from which we start is that whatever comes to an employé's knowledge through, in, or by reason of his official employment under the Chinese Government is Chinese and not Foreign property, and is therefore not under Foreign control; but such knowledge may be divided into two classes, viz., knowledge of official affairs, or affairs emanating from or affecting the Chinese Government, and knowledge of personal matters, or matters affecting individual rights. The instructions employés receive from superiors may be taken as an example of the first kind of knowledge, or knowledge of official affairs; while whatever such employés, by reason of being employed, and therefore, whether on or off duty, at a certain spot at a certain time, may have seen some person do of a non-official nature, may be taken as an example of the second kind of knowledge, or knowledge of personal matters. For an employé to divulge knowledge of the first kind at any time, or answer questions respecting it in a Foreign court, is a breach of confidence, and cannot be justified to the Chinese Government, and is not permissible unless that Government itself, through the proper channel, authorises the employé to communicate it. Whether to allow publicity to be given to such knowledge or not is for the Chinese Government itself to decide, but the probability is that, when properly approached, and given a good and unobjectionable reason, formal communication would be authorised. As regards knowledge of the second kind, it does not appear to me that the Chinese Government would be likely to make any difficulty about its being communicated, or do more than require certain formal steps to be taken before sanctioning the appearance of one of its official employés in a Foreign court; at the same time it is possible that if any such employé is known to be gossiping with outsiders about what he had seen when on duty, he might incur the displeasure of his superiors either for inattention to his own duties or for want of discretion.

3.—Official knowledge being divided into these two classes, it must be remembered that, whether it is to communicate the one kind or the other, an employé whose appearance in a Foreign court is wished for, is not supposed to appear there without the sanction of his superior officers. How is this sanction to be obtained? As matters now stand, the nationality of a Foreign employé serving the Chinese Government in the Chinese Customs is in the eyes of the law unchanged, and the individual is held to be for legal purposes on the same footing as his fellow-nationals not in the Chinese Service—although, as viewed from the Chinese side, his nationality is of secondary and his Chinese character of primary importance. The attempt has therefore to be made to reconcile the two conflicting

points of view from which any such employé is regarded, so as, on the one hand, to preserve China from being hurt in a matter of national dignity, and, on the other, protect the individual from the penalty likely to follow a refusal to obey laws too powerful to be opposed. The right thing would seem to be for the Foreign court to recognise the Chinese character of the employé, and apply to the Chinese Government to order his attendance and authorise him to give evidence; were this done, there need be no difficulty so long as the court confines itself to matters it is really competent to take cognizance of. Unfortunately, it has not as yet been possible to secure such full and proper recognition of the Chinese character Chinese official employment confers, and therefore when an employé's presence or evidence is wanted and the Foreign court does not make such formal application, the Commissioner of Customs, who cannot fail to be aware both of the fact that his subordinate is called for by the court and of the nature of the subject about which he is wanted to testify, and also the extent of his acquaintance with it, ought himself to do his best to ease the situation, and, notwithstanding the court's failure to act as comity would seem to require, himself arrange with his colleague the Superintendent to authorise the employé to appear, and furnish him with instructions as to how far he is at liberty to speak. Of course, when a court does not apply to the Chinese authorities to order the attendance of an employé otherwise subject to its jurisdiction, the action of the Commissioner must be guided by the features of the affair: for instance, in an affair like that which occurred a couple of years ago at Canton—"the Canton Page case,"*—in which a British court took it upon itself to arrest a Chinese official employé and try him as though subject to Foreign law for official acts done by him in his Chinese capacity as a Customs officer, and wanted Customs officers to produce official instructions and give evidence concerning Chinese official acts, it would appear to be the Commissioner's duty to take no initiative, and the action of the court must be left to the Chinese Government to take diplomatic action on; but in an affair like that which occurred at Shanghai a few days ago—"the Shanghai Page case,"†—in which

* *Vide antea*, footnote to p. 417.

† This was a case in which William Page, a quartermaster on the P. & O. s.s. *Ancona*, was charged in the British Police Court at Shanghai for theft of 163 balls of opium. John Roberts, an Assistant Examiner in the Customs Service, discovered 13 balls concealed in Page's cabin and refused the offer of a bribe from Page to throw them overboard. The trial took place on the 1st September 1883, and Roberts was subpoenaed as witness. His evidence was essential to the conviction of Page, but, on the instructions of Mr. G. B. Glover, the Commissioner, he refused to give evidence, and in consequence was committed to prison for seven days. On the 7th September Page confessed to the theft, and Roberts was released (*vide* "North-China Herald," vol. xxxi, No. 845, pp. 292, 293, 8th September 1883).

a British court required the attendance and evidence of certain Customs officers cognizant of certain facts in order to deal with a charge of theft brought against one of the crew of a P. and O. steamer, it would be the Commissioner's duty, in the absence of a formal application of the proper kind from the court, to take the initiative himself and arrange with the Superintendent to authorise the men to attend and give evidence. The first, or Canton, case is one in which it is held the British court was dealing with what it was not competent to touch, and in which the knowledge of the employés summoned to give evidence was knowledge of the first kind—knowledge respecting Chinese official affairs; the second, or Shanghai, case is one which a British court has power to deal with, and in which, as regards the Customs officers, the knowledge concerned belongs rather to the second class—knowledge of personal matters,—and was besides of a kind which China could have no possible reason for suppressing, while the punishment of crime and the interests of society demanded and warranted its production.

4.—The preceding explanations will sufficiently prepare the way for what yet remains to be said by way of instructions. Keeping in mind the distinction drawn as to kinds of knowledge, and the consequent distinction as to the action a Commissioner ought to take, you will be careful to avoid leaving room for embarrassment and difficulty, when you know or have reason to suppose that a court requires the attendance of any of your subordinates, by at once consulting with the Superintendent and making such arrangements as shall enable that employé to go into court feeling that he is authorised by his superiors to go there, and, while warned as to the propriety of being reticent respecting official matters properly so called generally, knowing that he is granted every possible freedom of speech respecting the personal matters he is cognizant of. You will read § 2, 1°, of Circular No. 221,—

“If the Chinese Superintendent, through the Commissioner, instructs any Foreigner to attend any Foreign court,”—

as meaning “If the Chinese Superintendent, *of his own motion, or on the application of a Foreign official, or acting on information or advice received from the Commissioner*, instructs,” etc., etc., etc.; and as regards the *memorandum* to be obtained for that employé's guidance, you will remember that for that employé's

protection you are to see that it is to be *expansive* rather than restrictive in the liberty of speech it gives. Further, in reading § 2, 3°,—

“Any Foreign employé, unless when ordered by the Superintendent to attend, is forbidden to answer questions on subjects of which he has a knowledge only through his position,”—

you will interpret its instructions in the light of the distinction now made respecting knowledge, and you will let the employé know before going into court that as regards “personal matters” he is free to speak out, but that he must use his own discretion as to the point at which the personal ceases and the official begins: once the questioning has reached that point, he should appeal respectfully to the court not to press him, and should avoid any defiant attitude or tone likely to irritate the court. Finally, you will do well to remember that the Chinese Government cannot be expected to take any special pleasure in arguing with Foreign countries about such matters, or in supporting its Foreign employés against their national officials and tribunals, and remembering this, it will be your duty—in the interests of the Service generally—to do all you can to look well ahead, nip difficulty in the bud, and avoid raising the question or making a test case. The way to do this is to take the initiative yourself, keep the Superintendent well informed, and procure his consent; but of course in any such case as “the Canton Page case,” we must make a stand and take the consequences.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 269 (SECOND SERIES).

How to act when Superintendent asks for Commissioner's views on questions asked by the Tsungli Yamên, etc., etc.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 22nd February 1884.

SIR,

Whenever instead of settling questions myself I refer them to the Yamên for its instructions on the points involved, the Yamên

either gives its own decision at once, or sends to the Superintendent of the Customs concerned for information, or takes the views of all the Superintendents; and Superintendents, when thus applied to, almost invariably pass on the Yamên's despatch to their colleagues, the Commissioners, and ask them for their advice as to the answer to be given. Having noticed that this procedure occasionally draws forth responses that are either bewildering or calculated to increase the original difficulty, I think it well to give you some hints for your guidance in this connexion:—

- 1°. Whenever a Revenue question arises between your office and anyone doing business there—such as a dispute about values or about the nature of the duty to be paid, etc., etc., etc.,—if the party concerned will not agree to your ruling, you should invariably consult with the Superintendent, and either get his consent to the decision you propose to enforce or arrange for some other settlement of the matter in consultation with him; and whenever duty is paid or the decision accepted under protest, you ought to supply the Superintendent with a copy of the Chinese version of the report you are addressing to me, at the same time informing him that he can either report at once to the *T'ung-shang Ta-ch'ên*, for transmission to the Yamên, or keep silence and wait until the Yamên makes inquiry;
- 2°. When you have a question to refer to me, arising out of your dealings with the public or out of any such point relating to Service matters as the Superintendent ought to be informed about, you will do well to state to the Superintendent that you have done so and so, and that the merchants not being satisfied, or you yourself having doubts as to the action proper to be taken, you are referring the matter to the Inspector General;
- 3°. When the Superintendent sends you Yamên despatches and asks what answer is to be made, if the question refers to a matter connected with your *own port*,—i.e., the port you are at,—the advice to be given ought usually to be in support of the Customs original action; but if it has meantime become evident that the original action was wrong, the opportunity to go back from it and adopt the course proper to be

pursued ought to be laid hold of without delay (in most matters it is well to remember that the moment you find you are wrong, the easiest way out of the difficulty is to act on the discovery and change to the right course as quickly as possible);

- 4°. When the matter referred to you by the Superintendent is something that has occurred at *another port*, you will do well to say that not having all the facts and circumstances before you, a conclusive expression of opinion cannot be given, but that the probability is that the responsible officer—the Commissioner of Customs at the port concerned,—in so acting, with all the facts, circumstances, and explanations at hand, took the proper course;
- 5°. When the matter referred to you is something of more general interest, and involving a decision likely to affect Customs action at *all ports*, you have an opportunity to express your views as fully and as freely as you please; only take care that the views expressed shall be well and intelligibly expressed, and such as shall do you credit whenever and by whomsoever examined;
- 6°. When the matter is some advice or rule *emanating from the Inspector General*, I naturally expect you to support it; but nevertheless you must consider yourself perfectly at liberty to advance your own views and criticise freely, so long as you confine yourself to the point, and in doing this you will please to remember that nothing gratifies me more than to be set right when wrong or be shown a more certain way than my own of securing the end aimed at, and that nothing is more irritating and disheartening than to find that others who have the power and opportunity neglect to use them to correct a mistake made and beyond one's own recall or suggest an easier and better way of doing what is proposed to be done; of course it is useful for the Yamên or myself to know the local and provincial view of a matter, but when writing about affairs of the kind referred to, you should try to put yourself in my place and allow for the circumstances I have to deal with,—a very necessary thing to be done and by no

means easy, for many courses will appear to you perfectly right and feasible from your "own port" point of view which wear a very different aspect from mine—with all the ports, with all the Treaty Powers, with China's condition, and with the Yamên's views and difficulties to be allowed for;

- 7°. Whatever be the matter about which you give your opinion or offer advice,—and more especially when a settlement of the nature of a compromise is attempted,—you ought to take special pains to express and guard it in such a way that it should not do violence to any established or recognised principle, and shall not set up a bad or embarrassing precedent; and
- 8°. As regards punishments and penalties generally, it is well to remember that a light penalty—no matter how light—always serves to give warning that the offence is a punishable one, and that it is often more expedient to get rid of a question by a light penalty, which offenders are usually only too willing to assent to, than to hold out for a heavy one, involving Consular proceedings, references, and delays. It is of much more importance to us to avoid acrimonious contention, and be content with having it recorded that we were in the right, than to swell the confiscation fund.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 270 (SECOND SERIES).

Drawbacks: withdrawal of system inaugurated 1st January 1884.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *26th February 1884.*

SIR,

In continuation of Circulars Nos. 216, 231, 255, and 260:

Concerning Drawbacks, etc.:

I now enclose copy of a Yamên despatch, received yesterday, from which you will see that, in consequence of representations made by the Yangtze Superintendents of Customs, to the effect that they cannot cash Native Produce Drawbacks, the new system is withdrawn; I have therefore to instruct you to act accordingly. Such Custom Houses as have introduced the new are to revert to the old system, and those that have not introduced it are to continue to act as before—that is to say, the only Drawbacks to be cashed are Foreign Goods Drawbacks; others can be used in no other way than in making duty payments of their own category. The instructions issued in Circulars Nos. 231, 255, and 260 are therefore hereby cancelled.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

總理衙門劄行總稅務司

爲劄行事土貨存票換取現銀一事前於光緒玖年柒月拾柒日劄復總稅務司轉飭各口妥訂辦法仍申報查核並咨行

南洋大臣轉飭各關查照在案茲准先後來咨稱據江海江漢宜昌九江蕪湖各關道稟均稱存票換銀有礙稅項請仍查照向章而行等情咨請核辦前來本衙門查土貨存票專抵稅項本係約章載明各關遵行已久茲據各關稟稱換銀一事窒礙難行自應仍照約章辦理所有換銀一事卽行停止除咨行

南洋大臣查照飭遵外相應劄行總稅務司轉飭各口稅務司將土貨存票換銀一事無論有無開辦一律

停止可也須至劄者

光緒拾年正月貳拾玖日

總字第壹千叁百貳拾肆號

CIRCULAR No. 273 (SECOND SERIES).

**Chinese Studies and Office Work: how Commissioners are to
examine and report.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 21st March 1884.

SIR,

1.—There are some points connected with Chinese studies and office work to which I find it necessary to call the attention of yourself and your staff:—

- 1°. *Chinese Studies*.—Commissioners are required to interest themselves in the Chinese studies of their subordinates; by examinations from time to time they are to assure themselves that study continues, and by occasional advice they are to assist students to so direct their efforts as to make the most of their time. Chinese composition must be paid more attention to by all; however good their knowledge of the Chinese “colloquial” may be, there are very few in the Service whose “documentary” acquirements fit them for the position of Assistant Chinese Secretary, and still fewer for that of Chinese Secretary—and fitness for this latter post is what it is desirable all should aim at. Copies of all Chinese forms in use and copies of Chinese despatches, letters, etc., should be given to the Assistants to translate, and also English drafts of various documents; each might then be allowed to see and criticise the others’ versions; and, finally, the Commissioner might issue his own version for their assistance; but whatever plan you adopt, you will aim at providing the Service with men who can translate readily and correctly from and into the Chinese written language.

2°. *Office Work*.—In the performance of office work there are three things to be aimed at:—

- (a.) Correctness,
- (b.) Neatness, and
- (c.) Expedition.

A copy of a document made by an Assistant is worse than useless if not correct, no matter how quickly or how neatly the copying has been done; the same may be more pertinently said of figuring—if the result is wrong, of what value is the work? In both cases time and material have been wasted, and the mistake made may be followed by other consequences of a more or less unpleasant nature. Here and there an Assistant gets a bad character in this respect: his work is not trusted—the Commissioner dare not let it pass without setting another to check it, and that other has sometimes to do it all over again as the shortest and surest way of finishing with it. I need hardly say that it is not to work in this way that men are employed or paid; each must be able to do his own share—we cannot provide duplicates to check and do it over again,—and whoever proves unable to do correctly what he is given to do cannot expect his employment to be continued. It must be impressed on all that absolute correctness is absolutely essential—that, after that, their work is expected to be fairly neatly done,—and that expedition, though of course a very important qualification for Customs officials to possess, is not to be tried for at the expense of the other two.

3°. As regards both Chinese studies and office work, you will recall to the minds of all what their letters of appointment say (*vide* § 5, 5° and 6°) respecting inability to pass examinations and inefficiency, and consequent termination of employment. Without continued fitness there cannot be continued employment.

2.—In conclusion, as regards Chinese studies I have to instruct you to avail yourself of whatever leisure you may have during the coming (April-June) quarter to examine such members of your In-door Staff as have recently finished their third year in the Service in Wade's "Colloquial" series, and all of longer standing in the

“Documentary” series and written language or books generally; at the end of June you will send me a report in tabular form, thus:—

NAME.	Age next Birthday.	Date of joining Service.	Years served North of Shanghai.	Period of Study at Peking.	COLLOQUIAL (for Employés of 3 Years standing).						DOCUMENTARY (for Employés of over 3 Years standing).					
					Full Marks.					Total, 500	Full Marks.					Total, 500
					100	100	100	100	100		100	100	100	100	100	
					Pronunciation.	Interpreting.*	Translation into Chinese.	Translation from Chinese.	Knowledge of Characters and Tones.		Translation from Chinese.	Translation into Chinese.	Conversation on Subject given.	Writing of Characters.	Special Reading, e.g., “San Kuo Chih,” “Hung Lou Meng.”	
										TOTAL.						TOTAL.
A. B.																
C. D.																
E. F.																

* Putting into Chinese *viva voce* sentences dictated by examiner.

Letting 100 be the best mark, care must be taken to give those examined such marks as shall be fair to themselves and honestly deserved. Further, you will regard it as a standing rule that you are to examine your In-door Staff and report similarly during the June quarter of each year in future.

As regards office work, I give you authority to suspend and report for inefficiency anyone whose work is habitually incorrectly done; he will thereon be subjected to a special test, and discharged if found to be unfit for retention in the Service; and I wish you to remember that while it is always gratifying to me to be told that a man is doing well in the position I have appointed him to, such a report is after all not a necessity, while, on the other hand, when a man is not doing well, it is, from every point of view, of the greatest importance that I should be informed of it at once, however disagreeable it may be for you to have to pen and submit, or for myself to have to read and act on, such a report.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 306 (SECOND SERIES).

Steam-launches, Chinese-owned, at Treaty Ports: Provisional Rules for.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, *22nd June* 1885.

SIR,

1.—I append for your information and guidance copies of a despatch to and reply from the Yamên:

Concerning Steam-launches, etc., at the treaty ports, owned by Chinese.

2.—You will observe that seven General Rules (with which is given one Local Rule for Shanghai) have been approved of provisionally for trial for a period of two years.

- (a.) The first provides for measurement and for the issue of a register by the Customs.
- (b.) The second provides that—official launches, which are exempt, excepted—where the launch costs less than *Tls.* 5,000 the fee for the register is to be *Tls.* 20, while for launches costing *Tls.* 5,000 or more the fee is to be *Tls.* 50.
- (c.) The third provides that, with the exception of launches used for towing purposes, and which are to be dealt with as tugs, launches are to be exempt from Tonnage Dues.
- (d.) The fourth provides that all registered launches are to present their registers to the Customs annually for inspection.
- (e.) The fifth provides that the launches already finished and at work are forthwith to be measured and registered.
- (f.) The sixth provides that registered launches are only to ply in the treaty ports, and are not to go inland or visit non-treaty places with cargo or passengers.
- (g.) The seventh provides that Government registered launches may go inland, etc., with Government stores, but are prohibited from carrying merchandise and trading.

(h.) The concluding and separate Rule is for Shanghai alone, and provides that registered launches may be chartered by Foreigners for pleasure trips inland: on such occasions launches are to submit to examination at the Barriers, etc., and are not to carry merchandise or contraband. Such launches may also be chartered by Chinese officials to go inland.

3.—Each port is to keep a special Register of the registers issued, with owners' names, measurement, fee, etc., and each port should number its own registers from No. 1 on: thus, *Shanghai Steam-launch* No. 1 (.....[official or private] property).

4.—The Statistical Secretary will devise and supply each port with a book of Launch Registers in English and Chinese; and when a register is issued, the Commissioner's seal is to be put on the English and the Superintendent's on the Chinese date of issue.

5.—Annually each port is to send a copy of its Register for the year ending 31st December to the Inspector General.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE No. 1.

總稅務司中呈 總理衙門

爲申呈事竊現據津海關稅務司中稱近年屢有上海等口華商購造小輪船以爲拖船渡船之用此項船隻似應請領牌照等據以便各關稽察而免弊端查同治六年間所訂華商置用火輪夾板等船章程第一款之第三第十二等條內開凡華商自造火輪夾板等船應先赴監督衙門請發造船准單赴關添註英文俟船造畢由稅務司派人勘量發照並飭繳牌費銀叁百兩等語伏思此章係指華商購造出洋之火輪夾板等項大船以爲運貨搭客之用而言惟近年以來各口所造之小輪船若照同治年之章與大船一律飭繳牌費銀叁百兩而不示以區別誠屬過重茲特爲此項小輪船酌擬章程數條開錄於後

計開

一通商各口之華洋船塢承造小輪船應於將造成時將該船係某官某商製用並噸數若干等情先行赴關報明

二新關接到船塢報明各情卽派理船廳勘量噸數詳細開單請由監督核發船牌交該船收執一面飭繳牌費銀伍拾兩

三所造船隻如專爲官用不裝運應稅貨物毋庸照納船鈔

四所造船隻如係商人裝運貨物或爲拖船無論噸數多少均須照納船鈔

五所造船隻如僅爲渡船或爲游歷之船不裝運應稅貨物毋庸照納船鈔

六所造船隻領船牌挂號後應按年將船牌呈由稅務司查驗核辦

以上所擬章程是否可增列華商置用火輪夾板等船章程之內請爲酌核施行等因具申前來總稅務司查近來所造之小輪船與裝貨搭客出洋之大船大有不同此項小船係各口內所用之船雖有拖船裝貨搭客寄信之別而其船事與各口之剝船三板等小船情勢無殊除其拖帶者應照拖帶專章納鈔外其餘似可照剝船之例免鈔惟此等小輪船日多一日即宜議訂章程給以遵守乃不致漫無稽察管束其船雖小而其置價銀自千兩至萬兩不等極應報關領牌繳費爲是至津關稅務司所擬各章事皆可行但應有略爲更易後先之處茲特酌妥列後

一凡有船塢造作小輪船者應由船戶於船造未成以前將造船情形赴關報明由關派理船廳前往勘量噸數開單請由監督核發船牌交該船戶收執爲據

一凡有赴關領小輪船之船牌者除官辦之船勿庸繳費外其餘均應繳納牌費其船置價若在伍千兩銀以下應繳費貳拾兩其置價若在伍千兩銀以上則繳費伍拾兩

一凡有赴關領牌之小輪船者除拖帶輪船應照拖船之專章納鈔外其餘各船則免納鈔

一凡有小輪船或官辦或商辦赴關領牌者均須於領牌後按年赴關呈牌備驗

一凡有現已造成下水駛用之小輪船應即照現訂之章赴關報由理船廳勘量噸數核發船牌一律辦理

以上五條章程於各關管查此項小輪船事甚爲得宜若

貴衙門以爲可行應將其章作爲同治六年華商置用火輪夾板等項船隻章程之續章分發各口轉飭照辦可也合行備文申請

鑒核示復須至申呈者

光緒拾年伍月貳拾陸日

京字第壹千陸百拾號

ENCLOSURE No. 2.

總理衙門劄復總稅務司

爲劄復事光緒十年五月二十日據總稅務司

申稱近年上海等口華商購造小火輪船以爲

拖帶渡船之用此項船隻似應請領牌照以便

稽查茲特酌擬章程數條若以爲可行應將其

章作爲同治六年華商置用火輪夾板等項船

隻章程之續章分發各口轉飭照辦等情申請

核示並擬章五條鈔送前來當經本衙門咨行

南洋大臣核復去後茲准 南洋大臣咨復內開據江海關道詳稱現將總稅務司更定章程五條逐加酌核擬均照行另加三條預爲防弊共計八條作爲暫訂新章仍俟試行二年有無流弊再行刪改等情除批總稅務司欲定小火輪船報關領牌繳費章程該道擬請照行並另增二條又江海關一口專章一條並將所增各條逐一登註咨請核辦又准 北洋大臣咨復意見相同查小火輪船行駛內河易滋流弊唯上海等口既有華商置造之小輪船亟須明定章程以示限制所有總稅務司所擬續章五條並江海關加增兩條共計七條應卽一併通行沿海各口先行試辦二年察看有無流弊再行核定至上海專章一條他口不得援引除咨復

北洋大臣轉飭各關監督照行外相應照錄酌定章程各條剗復總稅務司轉飭各口稅務司遵照辦理可也須至剗者粘單 光緒拾壹年貳月初伍日

總字第壹千叁百玖拾貳號

照錄上海等口華人製造小火輪船請領牌照續定章程七條

一凡有船塢造作小輪船者應由船戶於船造未成之前將造船情形赴關報明由關派理船廳前往勘量噸數開單請由監督核發船牌交該船戶收執爲據

一凡有赴關領小輪船之船牌者除官辦之船勿庸繳費外其餘均應繳納牌費其船置價若在五千兩銀以下應繳費二十兩其置價若在五千兩以上則繳費五十兩

一凡有赴關領牌之小輪船除拖帶輪船應照拖船之專章納鈔外其餘各船則免納鈔

一凡有小輪船或官辦或商辦赴關領牌者均須於領牌後按年赴關呈牌備驗

一凡有現已造成下水駛用之小輪船應即照現定之章赴關報由理船廳勘量噸數核發船牌一律照辦

一此項小火輪船祇准在通商海口行駛不准載貨搭客駛入內港江河及沿海不通商地方貿易違者罰辦並將船貨照約入官

一官置之船報官給牌登號備查牌內載明船係官用准行內河並帶官物不准帶貨搭客作貿易之事以示與商船有別

以上七條係現在暫訂章程通飭各關照辦仍俟試辦二年有無流弊再行酌量增改作為久遠定章

照錄江海關一口專章

一華洋商人如有暫時雇用該船前往內地游歷者報關另給執照以備沿途查驗回日繳銷經過關卡停輪候驗不准私帶貨物以及違禁之件違者截留究辦倘係華官雇用亦報官另給官雇執照官置之船一律辦理

CIRCULAR No. 317 (SECOND SERIES).

Inspector General: Sir Robert Hart, K.C.M.G., resigns the position of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 15th August 1885.

SIR,

1.—In my Circular No. 1 of 1861, dated the 30th June, I notified the appointment of the late Mr. Fitz-Roy and myself to exercise conjointly the functions of Inspector General, and in my Circular No. 23 of 1863, dated the 30th November, I announced my own appointment as Inspector General. To-day I have another duty to perform and a final Circular to write—to acquaint you with the fact that I am on the point of resigning the position I have so long held in the Chinese service. During all these years—from first to last—it has been my aim, as you know, to do useful work for China, win a good name for the Customs Service, and secure comfortable surroundings for the Customs Staff; whatever be the extent to which I have succeeded, that success has been due to the intelligence, ability, and loyalty of my fellow-workers, and to one and all—Native and Foreign, In-door and Out-door, Revenue and Marine—I offer my best thanks for their co-operation in the past and my heartiest wishes for their welfare in the future.

2.—My successor will introduce himself to you in the next Circular of this Series: for himself and the work entrusted to him I invite the same fidelity and the same attention it has been my own good fortune to meet with. Much that I planned has not been done—points that I ambitioned have not been reached; but the Service has continued and will continue to exist, and its popularity and usefulness cannot but increase along the new lines which development may necessitate. Be loyal to your chief and to your comrades, and vie with them in trying which, by doing the work of the day best, will best serve China: so doing, you need not fear that the results won during the years now gone will be lost, or that the hopes they planted will be barren of further gains in the years yet to come.

3.—It is with a very real regret that I sever our Service connexion: each of you can best interpret for himself what my feelings are, dear comrades of many years, while I write, sorrowfully and affectionately, this official farewell.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 318 (SECOND SERIES).

Inspector General: Sir Robert Hart has withdrawn resignation and retains position of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *2nd November 1885.*

SIR,

Having reference to my Circular No. 317 of 15th August last, I have to inform you that the resignation you were therein informed had been tendered to the Yamên was subsequently withdrawn, and that I continue to hold the position of Inspector General of Customs under the Chinese Government.*

I am, etc.,

(signed) ROBERT HART,
Inspector General.

CIRCULAR No. 331 (SECOND SERIES).

**Harbour Conservation, Construction of Wharves and Jetties, etc.:
Yamên's instructions respecting action to be taken in regard to.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *9th April 1886.*

SIR,

I enclose for your information and guidance copies of my application to the Yamên for instructions respecting harbour conservation, construction of wharves and jetties, works calculated to affect either foreshore or navigable channels, etc., etc., etc.; and the Yamên's reply.

You will note that the Yamên's instructions cover three points:—

- 1°. Shanghai having been provided for separately in 1879, the arrangement then made need not be changed but is to continue in force there.

* Hart withdrew his resignation from the Service at the request of the Empress Dowager, and on learning that the arrangements for his successor, made with the approval of the Tsungli Yamên, were being strongly opposed by Viceroy Li Hung Chang, who wished to secure the appointment for Mr. Gustav Detring, then Commissioner at Tientsin.

- 2°. At ports other than Shanghai, whoever proposes to commence any foreshore work, etc., in the Foreign Settlement is to submit the plans, etc., through either Harbour Master or Consul, to the Chinese officials, and must obtain their permission before going on with the works proposed.
- 3°. If Chinese propose to do anything affecting foreshore, etc., of water approaches frequented by Foreign shipping, the Chinese officials will themselves deal with such cases; but the Harbour Master will always be at liberty to call attention to anything likely to prove detrimental, etc.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

總稅務司申呈 總理衙門

爲申呈事竊前承

貴衙門面詢洋船進通商各口理船廳指示停泊實有何權一語查理船廳指示洋船停泊各事除各國已允行之引水章程外尙有總稅務司於光緒六年十二月初四日通飭各口稅務司轉飭各理船廳遵照之文一件承

詢前因茲將引水章程各專條並通飭之文譯漢併呈以便

貴衙門查閱自瞭然其事也倘於進口時有船主不將其船往理船廳指泊處所停泊該關則可停發各項准單不准該船工作則各貨主不能收取其來貨亦不能搭載其去貨致該船生意大有妨礙因是初不聽其指示者甚少而終不能不聽改泊此係引水章程所付之權如此倘於進口時有船遵往理船廳指泊處所停泊而停泊有差以致恐有碰撞之事則可由理船廳令其改泊此係按照總稅務司通行之札文辦理如此此外各理船廳又有保衛各口水利之責凡在口內水面河邊欲造碼頭或另項動工者應先將一切呈明於理船廳俟查明於水利無礙方准動工若查於水利有礙則禁止惟此責任雖於各口情形大有關係然因至今尙無通行之章致時有難於施行之處卽如汕頭一口現有德商魯麟洋行於

河邊堆積石塊期建碼頭必至有礙於水利因知會於領事官爲之禁阻乃該領事官即係魯麟洋行之夥計僅云該商即領事官本身欲動此工我領事官即該商本身不認此禁阻之權一語而已以致該理船廳無法可措而該口日後損害之情形其基已露事關中國緊要水路應請由

貴衙門咨行

南洋大臣轉飭各關凡通商口內若有於水面河邊欲行動工者須先將其工程一切預爲詳呈於理船廳俟查明於水利無礙方准興工若查有礙於水利即應禁阻若貴衙門以此爲然即以此另行照會於

各國駐京大臣爲之轉飭各該領事官照辦乃覺周妥合行申呈

鑒核并請

示復可也須至申呈者附鈔單壹件 光緒捌年捌月初叁日

京字第壹千肆百玖號

引水章程第十款口內停泊宜有定制也

一凡理船廳料理停泊事務宜酌體艙工經紀之便如有船不遵指定處所擅自移泊他處則可由稅務司將該船開艙起貨下貨各准單並出口紅單暫停准發俟其遵照改泊後再爲辦理

一凡停泊之處宜聽理船廳指示未經奉有特發准單不得擅行移離

總稅務司於光緒六年十二月初四日通飭各口稅務司文

爲飭行事凡有洋船駛進通商各口該稅務司務宜轉飭理船廳或兼理之總巡遇有指示船隻停泊各事應遵後開之章辦理

第一條凡洋船駛至停泊界內應立即由理船廳或理船廳所派之人登船將界內有某某等段可以泊船云云指示於船主或引水人知之

第二條凡洋船遵照在挑選之處停泊後必須本日之日落以前由理船廳立即親爲登船查看其船泊於該段無差不致與本船並他船有碰撞之虞

第三條理船廳登船察勘若恐有碰撞之事即須向船主言明並令其改泊移妥

第四條凡船隻移泊後仍應由理船廳將此船作爲新到之船日落以前親自再行登船查明無差若仍有差再令移泊辦理

第五條理船廳應立一指泊簿逐日將親登船隻名號等項登記並隨時將船泊有差已令移泊字樣註明

第六條凡船是否雇用引水悉聽船主之便是以將船駛抵理船廳所指之處停泊其一切皆責在船主

查前於同治七年時曾將通商各口海面分爲北中南三段每段派一員統轄理船廳事宜嗣後將此缺陸續裁

撤現改派上海理船廳兼作沿海沿江各口巡工司以期簡當相應劄行查照須至劄者

光緒六年十二月初四日

隨京字第壹千四百玖號

總理衙門劄覆總稅務司

爲劄覆事光緒八年八月初五日據總稅務司申稱通商各口水面河邊欲行動土預詳理船廳核定無礙方准興工等因並附抄清摺前來當由本衙門咨行

南洋大臣轉飭妥議聲復去後茲准先後咨復據各關監督議復上海一口已於光緒五年間定有保護黃浦專章

劃定理船廳管理界址自當仍遵向章辦理毋庸再行更改此外通商各口理船廳應管之界應以洋商租地爲斷擬請以後凡有洋商在租地河邊水面工作等事務須先自繪圖或呈理船廳轉詳稅司函致關道或呈該管領事送交關道轉飭地方印委各官邀全理船廳及領事所派之員令往確勘如與水利舟行無妨准其興工倘有關礙卽作罷論如有不遵或未報官擅自動工者分別罰辦如有華民在通商口內爲洋船經由停泊之處河邊水面動工應由地方官自行勘辦如理船廳見有窒礙之處仍可告知地方官再行斟酌盡善等因咨請酌核辦理前來本衙門查上海一口既定有專章無庸更改此外各口其在洋商租地之內應呈理船廳或領事官知照關道轉飭印委各員會勘如在租界之外應由地方官自行勘辦所議各節尙爲周妥相應劄行總稅務司轉飭各口稅務司遵照辦理可也須至劄者

光緒拾壹年伍月拾肆日

總字第壹千肆百拾伍號

CIRCULAR No. 339 (SECOND SERIES).

**Official Steamers employed to carry Goods and Passengers:
instructions as to treatment of.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 11th May 1886.

SIR,

1.—A question having come forward from Tamsui concerning the treatment of steamers belonging to the Provincial Authorities, when they are employed to carry goods and passengers, while claiming a special standing as official property, the Yamên has instructed me to state for your information and guidance that such steamers when thus employed are on arrival and departure to submit to Customs examination and pay duties and dues.

2.—I enclose copy of the Yamên's despatch for your archives, and have to instruct you when giving effect to this decision to make its working as little irksome as possible to all concerned, and more especially to avoid anything calculated to wound the susceptibilities of the Provincial Authorities. At the same time I should add that I cannot but hope that the enforcement of this rule will cause these official steamers to desist from engaging in such trading operations—although, now and then, to be at liberty to do so may be a convenience to the public at various points on the coast.

3.—Eventually all such provincial steamers are to carry certificates or registers issued by the Customs; when the form is decided on, you will be further instructed.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

總理衙門劄復總稅務司

爲劄復事光緒十二年四月初二日據總稅務司申稱據淡水關稅務司將威利輪船未完船鈔勿令查驗緣由申請察奪又據江海關稅務司將擬就官用船牌式一紙函送察核查兵船之外由各督撫另辦之官輪准其搭客裝物者須由該船按關訂章來往遵驗徵納稅鈔辦理其正項兵船勿庸由關給照貿易之官輪仍應赴關領照等因並照錄江海關所擬船牌式樣呈請鑒核酌復前來本衙門查本年二月間准

福建巡撫咨開威利輪船擬援照永保琛航兩輪成案無庸洋關查驗等因當經本衙門咨復以此項官輪倘須搭裝客貨應於進出口時飭赴新關照章完納稅鈔聽候稽查光緒七年奏准有案應轉飭局員仍照成案辦理去訖今據總稅司申稱前因是爲杜弊混重稅課起見相應劄行總稅務司轉飭各關遵照辦理至官船牌式既據批稱有應略爲改易之處卽由總稅務司酌核改定一併飭遵並申復本衙門以便咨行各該省遵辦可也須至劄者

光緒拾貳年肆月初柒日

CIRCULAR No. 352 (SECOND SERIES).

Opium: simultaneous collection of Duty and Likin; I.G.'s instructions respecting godowns and hulks for storage of.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 21st *December* 1886.

SIR,

1.—The simultaneous collection of Duty and Likin on Opium, as provided for in the Additional Article to the Chefoo Agreement of 1876, signed in London on the 18th July 1885,* will commence early in the spring of next year, and arrangements must now be made for the convenience of those who, instead of taking delivery at once, elect to leave their Opium in bond in the Customs godowns.

2.—The second clause of the Article provides that Foreign Opium when imported into China shall be taken cognizance of by the Imperial Maritime Customs and shall be deposited in bond, either in warehouses or receiving hulks which have been approved of by the Customs, and that it shall not be removed thence until there shall have been paid to the Customs the Tariff Duty of 30 taels per chest of 100 catties and also a sum not exceeding 80 taels per chest as Likin; and the third clause provides that the Import and Likin Duties having been paid, the owner shall be allowed to have the Opium repacked in bond, and that the Customs shall issue a Transit Certificate for each such package, etc., etc., etc. Such being the stipulations of the Article, it becomes necessary for the Customs at each port to be prepared with warehouses or receiving hulks, either by providing Government-owned, or by licensing certain approved of private-owned, hulks or godowns: it is to give you instructions in this connexion that this Circular is written.

3.—The Treaty Ports differ much in respect of their Opium warehousing requirements, but there are certain particulars in which the requirements of each have similar features: the godown or hulk must be large enough to accommodate the owners who repack and the Customs officers who affix Duty-paid stamps—it must also be safe as against fire, and both strong and guarded as against burglars; thus, whether a port has hulks or godowns, and whether these are official or private property, it is essential that they should be safe, convenient, and insurable.

*For text *vide* British Parliamentary Papers: China No. 3 (1886), pp. 5-7, or "Treaties, Conventions, etc. between China and Foreign States," Customs Publication, Shanghai, 2nd Edition (1917), vol. i, pp. 500-505.

4.—Shanghai has long possessed private-owned receiving ships, and the work on them is so well understood that it will be best to license them, if possible, for the storage of Opium in bond. The Shanghai Commissioner is accordingly authorised to communicate with the owners and arrange matters. If they will bind themselves—

- (a.) To not allow any Opium to leave the hulk without a Customs permit;
- (b.) To keep a book on board, open to Customs inspection, showing Opium received, Opium delivered after production of Customs Permit, and Opium still on board;
- (c.) To give facilities for the repackage of Opium by purchasers and for the affixing of Duty-proof stamps, etc., by Customs officers; and
- (d.) To pay double duty, *i.e.* *Tls.* 220 per picul, on Opium received but no longer in the hulk and for which Customs Permits were not issued—

their receiving ships will be licensed as Customs receiving hulks for the storage of Opium in bond. If they decline to enter into such bonds, the Customs will provide an Opium godown on shore, and all Opium arriving will have to be taken there to await the payment of Duty and Likin. A formal certificate of license, rehearsing the language of the bond, is to be issued to each hulk, good only for one year and to be renewed annually; and a fee of *Tls.* 100 is to be collected for each certificate issued or renewed.

5.—While Shanghai is to be thus dealt with, all other ports are to proceed as follows. The Commissioner is to ascertain whether any responsible merchant is willing to establish a godown on shore or a receiving hulk afloat, and if any suitable person offers to do so, the Shanghai treatment in the matter of bond and license (§ 4) is to be followed; on the other hand, if the Commissioner—to whose discretion it is left—thinks it inadvisable to invite merchants to establish godowns or receiving hulks, or if invited no suitable person responds, the Commissioner is forthwith to arrange for the construction of a Customs godown for Opium in bond—large enough for the requirements of the port, and so situated and built as to give every guarantee for the safety of its contents and be insurable against fire, etc. It is estimated that at the ports where the smallest Opium business is done—such as Pakhoi, Kiungchow, Takow (Anping), Tamsui, Wênchow, Ichang, Chefoo, Tientsin, and Newchwang—a thousand taels or thereabouts will build a

suitable godown; that other ports—such as Swatow, Amoy, Ningpo, Chinkiang, Wuhu, Kiukiang—may require to expend twice or thrice that amount; that Canton and Foochow may want four or five thousand taels each; and that Shanghai might need ten thousand taels or even more. The arrangement I have made with the Yamên is that each of the nineteen ports is to be regarded as requiring an expenditure of *Tls.* 5,000, *i.e.* *Tls.* 95,000 in all; but that while some ports may require the full amount, and others even more, inasmuch as it is certain that at most ports a suitable godown can be provided for much less, it will suffice for each Superintendent to issue, up to the estimated average amount of five thousand taels, whatever lesser sum the Commissioner asks for as really necessary to provide the required accommodation. Each Commissioner must decide for himself as to size, character, and site of godown, and in doing this the safety of the drug and the convenience of the public must be chiefly kept in mind. If the Customs at any port do not now possess a suitable site, the energetic assistance of the Superintendent and local authorities is to be invoked to procure one; but I believe that most ports do possess such sites either at the jetty, *e.g.* Swatow, or elsewhere, *e.g.* Kiukiang, and that some even already have buildings fit to be used for storing Opium in bond, *e.g.* Chinkiang and Tientsin; and I trust that every economy will be observed in providing what is required, whether it be the acquisition of a new site or the construction of a new or conversion of an old building.

6.—In another Circular full instructions will be sent you respecting the action to be taken by the Customs under the Additional Article in the simultaneous collection of Duty and Likin on Opium. In the meantime you will at once and without delay proceed to provide the bonded accommodation the present Circular specially treats of—godown or hulk. I may state that as the simultaneous collection will most probably begin about China New Year, there is no time to be lost: arrangements must be made immediately, and, if necessary, you will either temporarily rent a safe godown or license a private godown to receive Opium in bond. On the receipt of this Circular you will at once report the steps you have taken and are about to take.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 356 (SECOND SERIES).

Opium: simultaneous collection of Duty and Likin; I.G.'s instructions respecting transaction of Opium business at the Custom Houses.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 20th January 1887.

SIR,

1.—In continuation of my Circulars Nos. 352 and 354 concerning the introduction of the new system for the simultaneous collection of Duty and Likin on Opium, I now append for your information copy of a despatch which I have to-day addressed to the Shanghai Customs regarding the modifications to be made in the rule that Opium once deposited in bond cannot be removed till after payment (*vide* Circular 354, § 4 (d.)).

2.—Shanghai and Hongkong are the grand distributing centres, while your own and the other Treaty Ports of China are for the most part, and for the purposes of these instructions, to be regarded as consumers; still, seeing that each port, no matter how small its trade, must be prepared to do distribution work in some form or degree, it is necessary to provide you with instructions for your guidance in advance, in order to secure uniformity of action at all the ports and continuity of practice at each. While therefore, Shanghai is to note the contents of this Circular and follow the special instructions addressed to it for its own observance, the other ports are to be guided by what follows:—

- 1°. Opium may pay Duty and Likin, be stamped, and be taken delivery of at once and direct from the importing vessel.
- 2°. Opium which does not thus pay Duty and Likin on arrival is to be deposited in the Customs bonded warehouse (hulk or godown).
- 3°. Once deposited in bond, Opium must pay Duty and Likin and be stamped by the Customs before removal, *unless it is to be re-exported* to either—
 - (a.) A Foreign country: when it is to be given a *Foreign* Re-export Permit; or
 - (b.) A Chinese Treaty Port: when it is to be given a *Coast* Re-export Permit, in return for a special application in which the

re-exporter binds himself to pay Duty and Likin, *Tls.*, if the said Opium, catties....., is not delivered by the said ship at the port designated.

4°. Opium, tax (Duty and Likin) paid, which has left bond duly stamped but without Transit Certificates, is not to be held entitled to a subsequent issue of Transit Certificates unless applied for by the original importer, and then only when the Opium is still at hand for Customs examination and verification.

5°. Opium which has left bond, tax paid and duly stamped, is to be given an Exemption Certificate, and not a Drawback, if re-exported to a Chinese port. If any such Opium is re-exported to a Foreign country and claims refund of Duty and Likin, each claim must be referred separately to Peking for special instructions, accompanied by a detailed report on the circumstances of the case and on the Customs re-examination and verification of the Opium.

6°. The Opium Permits to be provided for issue by the Customs at every port except Shanghai will be the following:—

(a.)	Landing Permit	(<i>vide</i> Shanghai despatch appended).
(b.)	Bonding	„ („ „ „)
(c.)	Delivery	„ („ „ „)
(d.)	Foreign	„ („ „ „)
(e.)	Coast	„ („ „ „)
(f.)	Junk	„ („ „ „)

7°. Each office is to follow the instructions contained in the Shanghai despatch (*vide* § 2, 2° to 7°) concerning the *Opium Movement Book* to be kept by the Opium Desk or whoever has charge of the Opium work.

3.—The Statistical Secretary is to supply each port as speedily as possible with sets of Permit Books—(a.) to (f.)—and with Application Books (for Coast Permits (e)).

4.—You will report to me without delay on the arrangements you have made respecting the transaction of Opium business by your office under this Circular.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

No. 3,373. Commrs. INSPECTORATE GENERAL OF CUSTOMS.
Shanghai. No. 14,955. PEKING, 20th January 1887.

SIR,

1.—Circular No. 354, § 3, 5°, explains that the Yangtze Ports are to collect their own Opium Duty and Likin from the 1st February, and § 4 (*d.*) says “That Opium once deposited in bond cannot be removed till after payment. (*N.B.—This point may require some modification.*)” Seeing that Shanghai is the port from which there is the largest re-export of Opium to river ports and coast ports, the necessary modifications alluded to must be provided for without delay, and I now authorise you to act as follows:—

1°. All Opium arriving at Shanghai is to be deposited in the Customs licensed Opium hulk, unless both Duty and Likin are paid on it when Permit for removal from importing vessel is issued.

2°. Once deposited in an Opium hulk, Opium will be removed therefrom in one or other of the following five ways:—

(*a.*) It will either be landed: in which case it is first to pay Duty and Likin and have Customs stamps affixed; or

(*b.*) It will be re-exported to a Foreign port: in which case a *Foreign* Re-export Transhipment Permit is to be issued, and the transhipment, Duty free, is to take place under such supervision as the Shanghai Customs may order; or

(*c.*) It will be re-exported to another Chinese port, river or coast: in which case a *Coast* Re-export Transhipment Permit is to be issued, and the applicant for that Permit must either deposit Duty and Likin at Shanghai for the account of the Customs at the port of destination, or use a special form of application (Shanghai Customs to provide the form), in which the applicant (1°) shall undertake that the said Opium will be delivered at the port designated by the said

vessel, and (2°) shall bind himself to pay the Duty and the Likin, *Tls.*, on the same, cattles....., if the same is not delivered at the port designed within..... days; or

(d.) It will be re-exported to one of the Yangtze Stages: in which case it must pay Duty and Likin and have Customs stamps affixed before leaving the Opium hulk, and take out a Duty-paid Coast Re-export Transhipment Permit; or

(e.) It will be re-exported to a Chinese port or place by some Chinese vessel other than a China Merchants' steamer: in which case it is to pay Duty and Likin and have Customs stamps affixed before leaving the Opium hulk, and take out a Duty-paid Coast Re-export Transhipment Permit.

These five possible modes of dealing with Opium on removal from the Opium hulk will suffice to meet the various requirements of Shanghai.

2.—The great importance of the simultaneous collection of Duty and Likin and the magnitude of the Opium business at Shanghai demand special care at every stage of the work to be done by the Custom House. You will therefore make some such arrangements as the following:—

- 1°. Establish a separate Opium Desk: all Opium business, inwards and outwards, to be attended to by it, and nothing but Opium business to be sent to it.
- 2°. The Opium Desk should keep an accurate and detailed record of all Opium that arrives at and leaves Shanghai in an *Opium Movement Book*, arranged after a Dr. and Cr. fashion, with all arrivals on one side and all departures on the other: this book should be balanced weekly or monthly and compared with the books kept by each Opium hulk and the stocks on board, etc. On the arrival side should be entered the number of the importation, date, ship's name, name of applicant for Permit (consignee or owner), kind of Opium, marks and numbers, quantity; on the departure side should be entered the number of the Permit in the General Movement

Book and its number in its own series with its distinguishing letter (*vide* below, 3°), date, ship's name, name of applicant for Permit, destination (*vide* below, 4°), kind of Opium, quantity, Duty paid, Likin paid, number of stamps affixed and number of Transit Certificates issued (*vide* below, 6°).

3°. For departing Opium there should be *seven* kinds of Permits, viz.:—

- 1°. *Landing Permit*, for Opium to be landed direct from original importing vessel on payment of Duty and Likin.
- 2°. *Bonding Permit*, for Opium to be moved from importing ship to Opium hulk.
- 3°. *Delivery Permit*, for Opium in bond to be removed from Opium hulk on payment of Duty and Likin.
- 4°. *Foreign Permit*, for Opium to be removed from bond and transhipped for re-export to a Foreign port.
- 5°. *Coast Permit*, for Opium to be removed from bond and transhipped for re-export to another Treaty Port.
- 6°. *Stage Permit*, for Opium to be stamped and removed from bond on payment of Duty and Likin, etc., to go by a river steamer to a Yangtze Stage.
- 7°. *Junk Permit*, for Opium to be stamped and removed from bond on payment of Duty and Likin, to go by a Chinese vessel other than a China Merchants' steamer to any Treaty or non-Treaty Port or place.

By supplying the Opium Desk with seven separate Permit Books, each Permit provided with an appropriate butt, and by entering each Permit as issued in the General Opium Movement Book, an appropriate distinction will at once be created, and provision made for clearness and correctness in the Opium account under the new system. When the particulars of any such Permit are entered in the Movement Book, the initial or distinguishing letter of the name of the Permit (*L.*, *B.*, *D.*, *F.*, *C.*, *S.*, or *J.*)

should be entered after the distinguishing number, thus:—

General Movement No.	Distinguishing No.	
1,115	120 L.	

- 4°. It would perhaps be well to supply the importers of Opium with seven corresponding sets of Application Books, and more especially with that one which will be responded to by the issue of a *C. Permit*.
- 5°. When noting the destination in the General Movement Book, it will be best, at least in the case of *C. Permits*, to give, if possible, the name of the Treaty Port the vessel goes to.
- 6°. As regards the Movement Book entries of the number of stamps affixed and Transit Certificates issued, it will be well (but on this point you can consult the *Taot'ai*) to number all Opium stamps in consecutive series from 1 to, say, 10,000, giving each 10,000 a category or distinguishing character from the *Ch'ien Tzū Wên*, thus: 天 9,999, 地 7,654; and Opium Transit Certificates, with the butt, ought also to have their own series, separate and distinct from the numbers of Transit Certificates for other Foreign goods: such entries in the Movement Book, departure side, would look like this:—

General Movement No.	Distinguishing No.		Stamps affixed.	Transit Certificates issued.
1,115	120 L.		天 1 @ 90	人 36 @ 39

- 7°. The amounts of Duty and Likin collected are to be entered in separate columns.
- 8°. If possible, put the Opium Desk and all who work in connexion with it in a separate room, and not in the General Office.

3.—You can apply to the Statistical Department for such books, Application and Permit, as you require, and you will report to me as soon as possible on the arrangements you have made to give effect to the suggestions of this despatch.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

P.S.—For the transshipment of Opium—not bonded, but—moved direct from arriving to departing vessel, the Transshipment Permit to be issued may be either of the *Foreign* or *Coast* series, according to the destination of the departing vessel.

(initialled) R. H.

To

H. E. HOBSON, Esquire,

Commissioner of Customs,

SHANGHAI.

CIRCULAR No. 358 (SECOND SERIES).

Opium: simultaneous collection of Duty and Likin; I.G.'s instructions respecting treatment of Opium arrived before 1st February 1887.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 3rd February 1887.

SIR,

1.—In continuation of my Circulars Nos. 352, 354, 356, and 357:

Simultaneous collection of Tariff Duty (*Tls.* 30) and Convention Likin (*Tls.* 80) on Opium by the Maritime Customs from 1st February:

I now circulate for the guidance of all the ports the substance of replies sent by telegraph to telegraphic queries and reports received here these last few days.

2.—The Treaty rules affecting Opium in operation before and up to the 1st February provided—

- (a.) That it should be sold by the Foreign merchant at the Treaty Port only;
- (b.) That the Import Duty payable on its landing should be *Tls.* 30 per 100 catties;
- (c.) That it should be taken inland by Chinese only;
- (d.) That once in Chinese hands it should be subject to whatever charges the Chinese authorities might establish; and
- (e.) That the Treaty Transit privileges accorded to general merchandise should not apply to it.

Therefore, whatever Opium arrived in port before the 1st February was liable, first of all, to a fixed Import Duty of *Tls.* 30 per 100 catties, and, after that, to whatever additional taxation the authorities of any locality might see fit to order, without other limit to the amount of the tax or the number of the places at which taxation might be imposed than the drug's ability to stand taxation.

3.—The Additional Article made various changes in the foregoing Treaty rules, and from the date of going into operation, *i.e.*, the 1st February, provided—

- 1°. That Opium should pay Tariff Duty at the old rate, *Tls.* 30, and Convention Likin at a fixed rate, *viz.*, *Tls.* 80, per 100 catties;
- 2°. That it should pay these two charges, aggregating *Tls.* 110, before it leaves the control of the Maritime Customs, *i.e.*, simultaneously;
- 3°. That importers may either pay and free their Opium from Customs control, taking delivery direct from the importing vessel, or defer payment and leave their Opium in Customs control, *i.e.*, bond it, until it suits them to pay and remove it;
- 4°. That Opium which has paid may be repacked under Customs supervision (each ball to be stamped or have Customs label affixed in proof of payment); and
- 5°. That Opium (whether repacked or in its original condition, but in every case stamped) may be supplied with an Opium Transit Certificate (one for each package, or one for any number of packages,

at the option of the owner), which will protect it from the imposition of any further tax, wherever found and to whatever place it may be sent in the interior, so long as the packages are unbroken and the Customs seals, marks, and numbers not effaced or tampered with.

Thus from the 1st February Opium is to pay a fixed Likin, in addition to ordinary Import Duty, to the Maritime Customs, and is to be supplied with Transit Certificates to protect it from further taxation.

4.—The change thus made is easily understood, and there need be no difficulty as to the proper treatment to be applied under the Additional Article to Opium arriving on or after the 1st February. Sundry questions have, however, arisen respecting the right way of treating the Opium that had left Customs control before the 1st February but on which up to that date no Likin had been paid. It is mainly to record the answers to such questions and to secure uniform action at all the ports that this Circular is written.

5.—The principle to be applied is this: all Opium is subject to Likin, and the introduction of the method prescribed by the Additional Article does not grant freedom from liability for Likin to any Opium which had not by payment of Likin before the 1st February relieved itself of that liability. Thus, all Duty-^{paid}_{unpaid} but Likin-unpaid Opium in port on the 1st February, whether in merchants' godowns or on board receiving ships, is to pay Likin.

6.—What Likin is to be paid by the Opium just described: the old local rate, the Convention rate, or any other rate? The rule that has been circulated for your guidance (Circular No. 354, § 3, 9°) gives Opium-holders an *option*: they may come forward themselves, pay the Convention Likin (*Tls.* 80), and obtain for their customers all Convention privileges (*e.g.*, bonding, Duty-proof stamps, Transit Certificates, etc., etc., etc.), or they may decline to come forward to pay the Convention Likin; but if they elect to accept this latter alternative, then whatever Opium in stock is not voluntarily brought forward to pay Convention Likin thereby becomes liable, on and after the 1st February, to special Likin, viz., three hundred taels per 100 catties, the moment it passes from the Foreign holders to the Chinese purchaser, and even that payment does not secure Convention privileges for it. Accordingly, it is not

at the old rate—it is not at the rate which ruled in the locality before the 1st February,—but at the new rate (either Convention rate, *Tls.* 80, or special rate, *Tls.* 300) that Likin is to be collected on Likin-unpaid Opium arrived before the 1st February.

7.—Who is to collect the Likin-unpaid Opium arrived before the 1st February, and to what account is the amount collected to be placed? If holders come forward to pay the Convention Likin (*Tls.* 80), it is to be paid to the Haikwan Bank in the ordinary way on a Customs Memo. and through the Maritime Customs, *i.e.*, Commissioner of Customs; the Convention rate is not to be paid to the old Likin Office, nor is the amount collected by the Maritime Customs to be sent or accounted for to the old Likin Office. As regards Opium in stock which is not brought forward to pay Convention Likin, it is liable to special Likin, *viz.*, *Tls.* 300 per 100 catties, when it quits the Foreign importer or holder and is taken possession of by the Chinese purchaser; but as to the office to which this special Likin is payable, that is a point to be determined thus: whatever office (Yamèn, Custom House, Barrier, Likin Office, or other official establishment) finds Opium in Chinese hands or in circulation which is not accompanied by our new Opium Transit Certificate, or which has not on every ball our new Opium Duty-proof stamp, *that* office is entitled to tax the Opium at the special rate, to retain the amount collected, and account for that amount to its superior office in the ordinary way. This procedure is to last six months, *i.e.*, to the end of July, and during that period you will act as follows in order to preserve a distinct record of the category to which money belongs when paid through your office on account of Opium:—

- 1°. If the payment is “Duty and Likin” (*Tls.* 110) on Opium arrived on or after 1st February, put it in the ordinary Opium Revenue Account opened on the 1st February.
- 2°. If the payment is simply Convention Likin (*Tls.* 80) volunteered by holders on Opium arrived before the 1st February, open a sub-account for it and style it “Convention Likin make-up A/c.”
- 3°. If the payment is a compulsory special Likin (*Tls.* 300) levied by your office on Opium found in circulation without your Duty-proof stamp or Transit Certificate, open a second sub-account for it and style that account “Special Likin A/c.”

4°. At the end of July report to the Inspector General in an ordinary despatch (with three copies in Chinese) the state of each of the three accounts (1°, 2°, and 3°) at the end of July, giving—

1°. The total number of payments.

2°. The total quantity of Opium paid on.

3°. The total amount paid.

This optional manner of dealing with Opium in stock, *i.e.*, of either paying Convention Likin or subjecting it to special Likin, now conceded to holders, will end with July.

8.—Are Import Duty and Convention Likin to be paid simultaneously on leaving the bonded godown, or is the Import Duty to be paid before the importing vessel clears? Once the application for permission to remove Opium from an importing vessel to a bonded warehouse, *i.e.*, hulk or godown, is received and Permit issued, the liability of the importing vessel ceases, and the payment of Import Duty on Opium is to be deferred until the Opium is about to leave bond; it is then, *i.e.*, when Opium is leaving bond, that Duty and Likin are to be paid simultaneously. As regards the amount of duties to be noted on the ship's Customs Clearance, you will act thus: if the Opium is all put in bond, you will enter the number of chests or quantity on the Clearance, and add the Chinese equivalent for "bonded" (躉關); and if whole or part is paid for and taken delivery of from the ship direct, you can make a double-column entry on the Clearance, on one side giving the amount paid, and on the other the quantity bonded. And as respects the annual statistics of sums collected under each flag, you can easily find out the total (Duty and Likin) payments to be credited to any flag by referring to the "Opium Movement Book" (Circular No. 356, § 2, 7°) and extracting and totalling its figures.

9.—In case of fire, if the bonded warehouse $\frac{\text{and}}{\text{or}}$ its contents are burnt, are the owners of the Opium still liable to pay Import Duty and Likin? If Opium is stored in a bonded warehouse provided by the Customs and in Customs keeping, destruction of Opium by fire will free the owner from liability for Duty and Likin; but if Opium is destroyed in a bonded warehouse licensed by the Customs but not in Customs keeping, the liability for Duty and Likin continues, and owners can provide for that by arranging that their insurance shall cover the Duty-Likin payment (*Tls.* 110). *N.B.*—Whether in licensed or in Customs-owned bonded warehouses, *owners*—not the Customs—are to insure their own Opium.

10.—Is rent to be charged on Opium stored in the Customs-owned (or rented) bonded warehouse? Opium may be stored in the Customs bonded warehouse for a period of *ten* days rent free, but if kept there longer it is to pay rent for the whole period from arrival to departure at the rate of.....per.....per day.

11.—Fault is found with the Foreign paper Opium stamps: they are said to be easily removed, and admit of being used more than once. Such being the report, the Opium stamps ordered from Europe are not to be made use of on arrival, but each office is for the present to devise and use its own stamp till further orders, taking care that the Chinese paper is so thin that it cannot be removed or used a second time when once affixed. When the office stamp is sent here in triplicate (Circular No. 354, § 4, 4°), it will be decided to either fix one pattern for general use or authorise each port to continue to have its own special stamp.

12.—When the Additional Article came into operation on the 1st February the old Likin Offices and Opium Farms were thereby either closed or placed on some other footing; but it does not specially concern us whether the one or the other happened. What does concern us is this: various Superintendents have declared that the Commissioners have no staff to prevent Opium already in port from evading Likin, *i.e.*, have no way of collecting special [Likin] from holders who do not volunteer Convention Likin, and they add that as the work of collection has passed out of the hands of the old Likin Offices, those offices cannot be expected to spend money on retaining *their* police, etc., for the benefit of *our* work. Of course there is something in this, but not as much perhaps as might be inferred by those who know what the Superintendents report, and accordingly, in order to meet this difficulty, you will make inquiry and arrange with the Superintendent to keep on the old Likin police, or some of them, till the end of July, and you will at once report to me what you have arranged to do and also what funds *you* must be provided with for the payment of such police, etc.; you will note that their pay must be issued by you, and not by the Superintendent or Likin Office, and must be accounted for in your accounts, and the men, etc., must be under your direct orders for this special duty. If you can dispense with them before the end of July, *e.g.*, as soon as you know that the Opium in stock on 1st February has all disappeared, it will be best to do so.

13.—Finally, you will take note that no one is to have access to your bonded warehouses or work in your Opium Office except Customs employés serving under you and paid from your office

funds and such merchants as of necessity must be allowed entrance on business; and you will do your utmost to make your staff efficient as well in the interests of the merchants as for the protection of the Revenue.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

P.S.—I append copy of a telegram about to be issued:—

“*Opium.*—The principles for guidance are four, namely:—

1°. Old Likin Office connexion with Opium ceased last day January.

2°. Customs connexion with Opium Likin commenced 1st February.

3°. Opium arriving in February must pay Customs 110 taels.

4°. Opium arrived beforehand had right to pay old Likin at old office, but if it did not avail of right and pay before February, its Likin is to be dealt with by Customs; such Opium has three alternatives to choose between, namely:—

(a.) It can come to Customs and pay Convention Likin and thereby secure all Convention privileges.

(b.) It can come to Customs and pay Likin at old January rate, but such payment does not secure Opium Convention privileges, and Opium remains liable to all other taxation.

(c.) If Opium does not volunteer to pay either old or Convention Likin to Customs it exposes itself to special Likin, 300 taels, wherever met after leaving importer.

Inform all neighbouring ports and public.”

(initialled) R. H.

CIRCULAR No. 378 (SECOND SERIES).

Service Routine Work: I.G.'s Secretaries to see that the ports conform to instructions respecting.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 16th May 1887.

SIR,

I find I must call attention to the following point in connexion with the ordinary routine work of the Service:—

The Inspector General is assisted by five Commissioners, who, as Secretaries, have charge of—

Service matters generally: correspondence, etc. (Chief Secretary);

Chinese work generally: Chinese versions of Returns, correspondence, etc. (Chinese Secretary);

Service expenditure, etc. (Audit Secretary);

Statistical work generally: Trade Returns, Revenue Returns, etc. (Statistical Secretary); and

Service supplies, etc. (Non-Resident Secretary).

In these connexions, all concerned have for their guidance the existing Service Instructions, Circulars, etc., and while it is the duty of the Commissioners in charge of ports to follow such existing instructions, it is the duty of the Secretary-Commissioners at the Inspectorate to see that they are followed. Although such instructions exist, and although the division of duty thence arising ought to be plain enough, it is continually happening either that the Officer in charge of a port disregards the Secretary or that the Secretary declines to act and invokes the Inspector General's intervention. On special occasions it may be necessary to act thus, but, generally speaking, the Inspector General, who is quite sufficiently occupied, ought not to have this otherwise provided for, and therefore unnecessary and additional, work thrown on him. I wish it therefore to be noted now and once for all, as well by the Secretaries at the Inspectorate as by the Commissioners at the ports, that the first are not only authorised but are required to see that in their own departments general instructions are attended to, and that the second are not only expected but are required to give effect to the instructions received from the Secretaries in just the same way as they would if drafted and signed by the Inspector General himself.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 385 (SECOND SERIES).

Harbour Masters' Authority *vis-à-vis* Pilots: I.G.'s further instructions respecting.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 22nd July 1887.

SIR,

In continuation of Circulars No. 3 of 1867, Nos. 22 and 30 of 1868, No. 2 of 1869, Nos. 16 and 30 of 1870, No. 6 of 1871, No. 29 of 1875, and No. 158, Second Series, § 5, relating to Pilotage, etc., and Circulars Nos. 10 and 35 of 1868, and Nos. 2, 75, 128, 167, 176, 178, 180, and 184, Second Series, concerning Harbour Masters' duties, etc., I have now to instruct you to state to the Harbour Master that in his interpretation of the Chinese Pilotage Service General Regulation VII, and the disciplinary powers he may thereunder exercise over licensed Pilots, he is to remember that there are two classes of Pilots to be dealt with, Native and Foreign; that whenever he decides to suspend or dismiss, the punished person may appeal, if a Foreigner, to his Consul, or, if a Native, to [the Commissioner of Customs]; and that, viewed as a judicial proceeding, the decision of the tribunal appealed to is to be regarded as final, and acted on, although the matter may continue susceptible of diplomatic reconsideration. The words of the amended Regulation of 1868, "must pay due respect to the wishes and instructions of the Harbour Master, under whose orders and control they are placed," omitted a certain explanatory clause used in the original Regulations of 1867, viz., "and who is invested with disciplinary powers in view of infractions of established rules." It is well to recall attention to the 1867 expression, for it contains the key to the interpretation of the Harbour Master's disciplinary power: Pilots are to "pay due respect to his wishes and instructions," but the Harbour Master's disciplinary power can only take the shape of penalty against "infractions of established rules." The established rules are to be found in the Byelaws of the several ports, accepted and approved of by the local Consuls, and in §§ 2 and 3 of General Regulation VII, approved of by the Legations; but as regards the "wishes and instructions" of the Harbour Master, it is to be remembered that they can be only such wishes and instructions as are directly connected with the port's pilotage, and that, even then, and being such as are thus directly connected, they

can only be held to carry a penalty for non-compliance when non-compliance involves an infraction of the spirit of established rules. Merely technical infractions are not likely to be considered punishable by Consuls; and when any such infraction can be traced to a wrong order given by a Harbour Master, the Consul appealed to is more likely to pass over the infraction as something justified by common sense than to uphold the technical penalty. What I have just written will appear at first glance dangerous doctrine, but—remembering that the Treaty Powers can at any moment refuse to recognise the Pilotage Regulations; that Pilots become restive under every exercise of the Harbour Master's authority; that their own interests will lead Pilots to do their best for those who pay them—the ships; and that the less official interference there is the better—it is well to keep it constantly in mind that penalties will be upset, and that what influence a functionary does really possess for good will be simply weakened and destroyed if it assumes the form of authority exercised foolishly and for purposes that will not commend themselves to the good sense of those who are in a position to object, and who are, besides, more disposed to criticise than to sympathise. The first thing a Harbour Master has to do is, at the examination, to assure himself that the man he is about to license is really qualified; this done, and men licensed, it is enough to keep the run of them afterwards by requiring them to report their arrivals in and departures from port: beyond this it is hardly necessary for a Harbour Master to go of his own motion, seeing that each one's own desire to make money may be relied on to cause every Pilot to exert himself adequately. Pilots have on the whole a hard calling to live by, and are the very last class of men in the world to be improved by what they consider the nagging of a too officious Harbour Master, or to submit to any unintelligible or useless restrictions when getting a moment's rest in port just after quitting a ship where all obeyed their orders, and after the tension and responsibility of safely conducting life and property through difficult waters into port. I wish you therefore to impress on your Harbour Master that he is to exercise very little authority over, and display very great consideration for, the very useful men who function as Pilots on this coast.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 395 (SECOND SERIES).

**Bonded Warehouses: system to be introduced at Shanghai;
General Regulations and I.G.'s instructions.**

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, *20th October 1887.*

SIR,

1.—In my Circular No. 158 of the 28th September 1881 I enclosed a copy of the Additional Convention made with Germany by way of revision of the Tientsin Treaty of 1861. The first clause of Article III of that Convention runs thus: "The Chinese Commissioner of Customs and the other competent authorities shall, after agreeing upon the necessary regulations, themselves take measures for the establishment of Bonded Warehouses in all the open ports of China in which they are required in the interests of Foreign commerce, and where local circumstances would admit of such an arrangement being made." In the following year, 1882, I was sent to Shanghai to initiate measures for the introduction of Bonding there as an experiment, but, although rules were then drawn up by myself and the matter brought before the Yamên once or twice subsequently by the German Legation, it was not finally decided to go on with Bonding till recently. My original proposal was that Foreign goods should alone be allowed to be bonded, and that, instead of incurring the expense of building and damaging existing warehouses by the competition of a Government one with Bonding privileges, the Chinese Government should license the godowns of both the Associated Wharves and the China Merchants' Company, thereby confining the privilege to public companies whose shares can be bought by all in the open market and extending it to Natives and Foreigners alike. That proposal has been adopted in so far as building and the goods to be bonded are concerned, but, after long consideration, the Chinese Authorities have decided to exclude Foreign warehouses and have selected some of the China Merchants' Company's godowns to be licensed and used as Government Bonded Warehouses. Whether the China Merchants' Company's wharves and godowns will suffice, and whether circumstances may not yet necessitate the extension of the privilege to Foreign warehouses and to other ports, remains to be seen: meantime the system has been ordered to be introduced, and the Shanghai Customs are to select a date for bringing it into operation.

2.—I now enclose copies of some of my own and the Yamên's despatches in this connexion, and an English version of the General Regulations. It will be seen that the Regulations are as few and as brief as possible, and that while each group admits of any required addition, all are so arranged that it can at once be known how Ships, Importers, Customs, and Godowns selected for Bonding will be affected by the changes the system necessarily entails. Although drawn up for German vessels, these Regulations are to be observed whenever the Bonding privilege is availed of by the ships and merchants of other Treaty Powers. After the introduction of the system at Shanghai there will be fewer Exemption Certificates issued for Foreign goods reshipped thence, and the other Treaty ports will therefore have to examine and collect duties on coast steamers' cargoes to a greater extent than at present. While adopting the rules now issued as the General Regulations for Bonding, the Shanghai Customs will arrange the local procedure so as to accord therewith as closely as possible, but will be at liberty to frame such additional rules as may be wanted. All such additional rules are to be called Local Rules and are to appear under the appropriate General Regulation; *e.g.*,

GENERAL REGULATIONS.

C. 15.

Local Rule 1.

D. 24.

Local Rule 1.

25.

Local Rule 1.

That is, the Local Rules are not to be arranged separately and in a body and numbered from 1 on, but are to follow, each, the General Regulation each is chiefly connected with, and under each General Regulation are to be numbered from 1 on. In fact, Bonding is to be treated in the same way as Pilotage: it is to have General Regulations applicable to all ports, and Local Rules for the special port concerned. It will not be necessary to consult Consuls or Chamber of Commerce about such Local Rules, but before being published or acted on they must be reported to and approved of by the Inspector General.

3.—In view of the fact that the privilege of Bonding may possibly be more largely availed of at Shanghai than a 5 per cent. Tariff of Import Duties would at first lead us to expect, and as it is highly important that Customs work at Shanghai should not be

thrown into confusion and that Revenue should not suffer anywhere by the introduction of the system, it is my intention to appoint an additional Deputy Commissioner to Shanghai, who will take charge of Bonding generally, including the Opium work as well as the work connected with general cargo of Foreign origin, and who will make a special study of the subject, exercise a general supervision over warehouses and office work, and devise and submit to the Commissioner such Local Rules, Customs forms, plan of procedure, etc., etc., etc., as the successful launching and proper working of the system may call for.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE No. 1.

CHINESE CUSTOMS.

GENERAL REGULATIONS FOR BONDING.

The Chinese Government having assented in the Revised German Treaty to the experimental establishment of Bonded Warehouses at Shanghai, the following Provisional Regulations have been drawn up. They are divided into four sections, according as they affect—1°, Vessels; 2°, Cargo; 3°, the Custom House; and 4°, the Bonded Warehouse.

1°. *Rules for the guidance of German Vessels.*

A.

1. After arrival and Consular Report, the Import Manifests of German vessels are to be lodged with the Customs.
2. When the Consul's Report has been received, the Manifest handed in, and Permits to land applied for and issued, the vessel will be allowed to discharge.

3. When import cargo has been discharged, export cargo shipped, and dues and duties paid, the Customs Clearance will be issued. The Customs will enter on the Clearance the amount of Import Duties paid on Foreign goods and the number of packages of Foreign goods bonded upon which duty has not been paid.
4. The rules regarding Export Duties, Coast Trade Duties, and Tonnage Dues remain as before.

2°. Rules for the guidance of Importers.

B.

5. A distinction is made between a vessel's import *Foreign* cargo and her *Native* cargo. While Foreign goods may be bonded or not, at the Importer's option, Native goods will be treated as before—*i.e.*, released upon payment of duty,—and will not be allowed to be placed in bond.
6. Foreign goods may, at the Importer's option, be either treated as before—*i.e.*, pay duty and be released—or may be bonded. The Importer must state on his Import Application—in addition to the description, number of packages, weight, and value of the goods—on which goods he wishes to pay duty and on which he wishes to defer payment, in order that the Customs may know whether to issue a Duty Memo. or a Bonding Permit.
7. The Importer must in all cases obtain a Bonding Permit before landing his cargo and placing it in bond.
8. If the Importer wishes to take samples of goods placed in bond, he must first obtain a Sample Permit from the Customs before opening the packages. The Bonded Warehouse keeper will, upon production of this Sample Permit, allow the packages to be opened and samples taken, and the original packages will then be closed in whatever way the Importer and Warehouse keeper may agree upon.
9. When the Importer wishes his goods, or any portion of them, to be released from bond, he must supply the Customs with a description of the goods, number of packages, weight, value, date of bonding, name of importing vessel, destination, name of exporting vessel, etc., when applying for Duty Memo., Release Permit, or

Shipping Permit. Goods for sale in Shanghai, or for re-export to a Yangtze Port, must pay Import Duty before being released from bond. If intended for re-exportation to other Treaty ports, or to a Foreign port, they will not be required to pay duty before quitting bond.

10. Goods removed from the Bonded Warehouse without a Permit will be confiscated, and the proprietors of the Bonded Warehouse will be responsible for the amount of the duty leviable.
11. Twelve months is proposed as the limit during which goods may remain in bond. If not applied for by the Importer at the expiration of that period, the proprietors of the Bonded Warehouse must pay the Import Duty and remove the goods elsewhere.
12. The insurance of bonded goods, Warehouse charges, and indemnity for fire or loss, are matters to be arranged between the proprietors of the Bonded Warehouse and the Importers, and do not concern the Customs.

3°. *Regulations to be given effect to by the Customs.*

C.

13. Seeing that German vessels will arrive with cargo which is, and with cargo which is not, to be bonded, the Customs must first receive the Consular Report and Import Manifest before issuing Permits to discharge, etc.
14. On application from the Importer to bond Foreign goods, the Customs will issue the Bonding Permit with the Permit to Land.
15. On application from the Importer, the Customs will issue a Sample Permit to open packages in bond for the purpose of taking samples.
16. When the Importer desires to dispose of bonded goods in Shanghai, or to re-export them to a Yangtze Port, the Customs will, upon application, issue a Duty Memo., and upon production of the Duty Receipt will grant a Release Permit, and, if required, a Yangtze Export Permit.

17. Upon application from the Importer to re-export bonded goods to a Treaty port, other than a Yangtze Port, or to a Foreign port, the Customs will issue a Release Permit and an Export Permit.
18. The Customs will enter on the Clearance of each German vessel the amount of Import Duty paid, and the number of packages placed in bond on which payment of duty is deferred.
19. The form of Bond to be entered into by the proprietors of the Bonded Warehouse, the books to be kept there, the arrangements for either permanently stationing Customs officers at the Warehouse or for periodical inspection, as well as the rules for the daily routine of work at the Warehouse, will be decided by the Shanghai Customs as circumstances require.
20. In the Quarterly Returns of Revenue the duty paid on goods released from bond is to be entered in the Return for the current quarter; and in the Annual Trade Returns such goods are to be entered under their proper flag. Goods remaining in bond are to be treated, as regards these Returns, as not yet imported.

4°. *Rules to be observed by the Proprietors of Bonded Warehouses.*

D.

21. The proprietors of Warehouses appointed by the Shanghai Customs to store goods in bond must enter into Bonds in which they bind themselves to observe all the Regulations of the Shanghai Customs, and engage that no goods shall enter the Warehouse without a Permit, and that, once in the Warehouse, goods shall not be opened or released without the proper Permit; and in the event of goods being so opened or released without Permit, the said proprietors bind themselves to pay a fine of so many times the duty leviable on the goods concerned.
22. The proprietors of Bonded Warehouses must keep books, the form of which will be determined by the Customs, in which must be recorded particulars of all goods which enter and leave the Warehouse, as well as full particulars of the opening of packages for the purpose of taking samples.

23. Customs Officers, whether permanently stationed at the Warehouse or coming for the purpose of inspection, shall at all times have access to, and be at liberty to examine, both books and cargo without hindrance on the part of the proprietors of the Bonded Warehouse.
24. Goods for which the Importer has obtained a Bonding Permit will be checked on arrival at the Bonded Warehouse by the Warehouse keeper in the presence of the Customs Officer before being stored. At the same time an entry will be made in the Warehouse Book, and the Bonding Permit will then be receipted and handed to the Customs Officer to be filed.
25. On the presentation by the Importer of a Sample Permit to take samples, the Bonded Warehouse keeper must inform the Customs Officer, in order that both may be present when the packages are opened and the samples extracted. On the packages being reclosed, the Warehouse keeper must make a full entry in the book kept for the purpose, and then hand the Sample Permit to the Customs Officer to be filed.
26. When the Importer brings to the Bonded Warehouse a Release Permit for goods to be disposed of in Shanghai or re-exported to a Yangtze Port, it will be the duty of the Warehouse keeper to inform the Customs Officer, in order that both may personally see to the release of the goods. The Warehouse keeper must at the same time enter the particulars in the prescribed Duty-paid Book, and then hand the Release Permit to the Customs Officer to be filed.
27. When the Importer brings to the Bonded Warehouse a Release Permit for goods to be re-exported to a Treaty port other than a Yangtze Port, or to a Foreign port, it will be the duty of the Warehouse keeper to inform the Customs Officer, in order that both may personally see to the release of the goods. The Warehouse keeper must at the same time enter the particulars in the prescribed Re-export Book, and then hand the Release Permit to the Customs Officer to be filed.
28. Twelve months is proposed as the limit during which goods may remain in bond. At the expiration of that period,

if the Importer has not applied for his goods, the proprietors of the Bonded Warehouse must pay the Import Duty and remove them elsewhere.

29. The storage and custody of goods in the Bonded Warehouse, Warehouse charges, insurance, etc., are declared to be private matters to be arranged by the proprietors of the Bonded Warehouse, and do not concern the Customs. The Customs, however, are to be kept informed of the Warehouse Rules.

The above Regulations are provisional and subject to alteration, addition, or cancellation, as the Shanghai Customs may from time to time decide to be necessary. The four main divisions, however, are to be maintained.

ENCLOSURE No. 2.

總理衙門劄行總稅務司

爲劄行事查德國續約上海設立關棧一事前據總稅務司兩次呈擬章程當經本衙門先後轉飭江海關道議復茲准

北洋大臣咨據該關道詳稱總稅務司所擬試辦章程甚爲周至核與上海現辦商務情形並無窒礙專用
華商棧房一節誠爲要著所有設立處所惟招商局碼頭棧房南在金利源北在虹口地段最爲相宜擬請
飭總稅務司再將前擬關棧章程十二條暨續擬十條一併復加酌覈分別增刪另編次序等因前來相應
抄錄來文劄行總稅務司查照將前擬章程再加詳細妥酌卽行申復本衙門以憑核辦正劄行間復准
南洋大臣咨復前來合卽抄交總稅務司按照來文一併覈議聲復可也須至劄者

光緒拾叁年肆月拾叁日

總稅務司申覆 總理衙門

爲申覆事奉到光緒拾叁年肆月拾叁日

劉開查德國續約上海設立關棧一事前據總稅務司兩次擬呈章程當經本衙門先後轉飭江海關道議復茲准北洋大臣咨據該關道詳稱總稅務司所擬試辦章程甚爲周至核與上海現辦商務情形並無窒礙專用華商棧房一節誠爲要著所有設立處所惟招商局碼頭棧房南在金利源北在虹口地段最爲相宜擬請飭總稅務司再將前擬關棧章程十二條暨續擬十條一併復加酌覈分別增刪另編次序等因前來相應抄錄來文飭行總稅務司查照將前擬章程再加詳細妥酌卽行申復本衙門以憑核辦正飭行間復准

南洋大臣咨復前來合卽抄交總稅務司按照來文一併覈議聲復可也等因奉此查商船進口起貨納稅各關向有定章起貨時卽應完納進口正稅出口以前卽應將各項稅鈔完清惟關棧之設原係免其起貨時納稅准其於貨稅未完清以前復行出口前往是現訂於上海設立關棧其舉不但應議有關棧之章卽商船與貨主向遵之章以及江海關向行之章均須略爲增改以符關棧之原意現奉前因總稅務司已將前議關棧章程十二條及續議之十條一併復加酌覈分別增刪錄單備呈其單內並將此次所擬之章按照商船貨主海關關棧四

項應遵應行之章另編次序以便眉目清楚各易分晰其章不過此事各層之綱目其各章內詳細辦法則應由該關隨時酌訂至關道所擬僅准德商船貨各國須俟試辦兩年後再爲仿辦一層觀

南洋大臣所批在總稅務司以爲甚是緣一准德國船貨按關棧章程辦理則不得不准有約各國船貨同日沾其益至招商局兩棧託由德國禪臣洋行代爲招攬以及招商局不便將其棧地基房屋之契據交存海關作押兩層卽勿須詳論但此兩層日後或生有不便之處亦未可知再現擬之章無論選擇何棧爲關棧皆係可行之章既定祇准招商局承辦關棧卽應由該局執事赴關具立關棧應遵第一章內所云之甘結一面由該關定期開辦就近出示曉諭各商知悉可也除將復議上海關棧試辦章程另單錄呈

查閱外合行申覆卽請

鑒核須至申呈者 附單壹件 光緒拾叁年肆月貳拾貳日

京字第壹千捌百伍拾伍號

復擬上海關棧試辦章程

德約允准在上海試辦關棧此舉於船於貨於關於棧四項各有應遵應行之章卽憑此分擬列後

一 德船應遵之章

一 德船進口由領事官報關後應將進口艙單呈關備查

一 領事官報關船主呈單貨主來關分別請領起貨准單後始准該船起貨

一進口貨起完出口貨裝滿稅鈔完清後方准發給紅單出口其紅單內應由關將進口洋貨完稅若干並未完稅者若干件圍入關棧分別註明

一凡出口正稅復進口半稅並船鈔三項仍照向章辦理

一貨主應遵之章

一凡船進口時所裝之貨有外洋與土產之分其外洋之貨願否入關棧由貨主自便其土產之貨須照向章納稅放行不准圍入關棧

一凡船所裝之洋貨或照向章納稅放行或圍入關棧待納悉由貨主自便惟進口報關時其請起貨准單之報單內除載明貨物名目件數斤兩價值外須將其納稅與認稅待納之處註明以便該關將完稅驗單以及圍入關棧准單分別發給

一凡貨主請領洋貨入關棧准單後始准起貨入棧

一凡洋貨已入關棧若貨主欲取貨色作式應先赴關請領拆動准單由棧差查閱後方可拆動取式後其原件應如何封存由貨主與棧差臨時酌定

一凡洋貨入關棧後貨主之貨若干欲行出棧之時即應由貨主將貨色件數斤兩價值入棧日期進口船名及現往何處裝何船等情開單報關請領完稅驗單出棧准單撥貨准單等件其貨出棧若欲在滬銷

售或係前往長江各口者於未出棧以前須將進口正稅完清方准出棧前往其貨欲行前往通商他口或係復運回外國者於出棧時勿庸納稅

一倘有未領准單之貨出棧除由關棧認罰照數納稅外其出棧之貨則罰充入官

一洋貨存放於關棧擬以十二個月爲期限滿而貨主不赴關請領出棧准單其貨稅即由關棧先行代納其貨由關棧移存他處

一關棧所存各貨有無保險棧費多寡以及被火被失各事均係關棧與貨主之事與關無干

一關應行之章

一凡德船進口既有洋貨入棧不入棧之分該關待領事官報船待船商呈艙口單後方可發給各項起貨准單

一凡貨主赴關請洋貨入關棧准單時應由關發給船主之起貨准單一面發給貨主之洋貨入棧准單

一凡貨主報關因棧貨取式請拆動准單即應由關發給

一凡貨主赴關報明棧貨銷售或前往長江各口等情請出棧准單時應由關先行發給完稅驗單俟該商

照納正稅呈繳銀號收據後始行發給出棧准單一面發給長江輪船裝貨准單

一 凡貨主赴關報明棧貨前往通商他口或復運回外國等情即應由關發給出棧准單一面發給某船撥貨准單

一 凡德船出口時該關須將其進口完過稅若干並圍入關棧待納之貨若干件在紅單內註明

一 承辦關棧商人應具之甘結並棧內應用各項冊簿式樣以及如何派差或常川守查或隨時特派稽查並棧內一切日行事宜應否有詳細章程各事均應由該關隨時隨地自行酌訂

一 每逢結底年底應呈之結收稅摺年中進出之貨冊即應由該關分別清晰將本結內出棧所完進口稅數算入本結進口正稅項下將本年出棧之貨物算入原船旗號項下之進口貨冊內各分別開明庶不致有舛誤其已入棧未出棧之貨仍應作為尚未進口之貨

一 關棧應遵之章

一 所有江海關擇派之棧作為上海國集商船貨物之關棧該棧商既承其事即應具一結內言明凡有江海關隨時之訂章俱應遵守凡貨物於未奉准單先不得入棧入棧後不得擅行拆動亦不得擅行出棧倘有拆動出棧情弊即按該貨應徵之數輸納稅餉若干倍等語存關為保

一該關棧須備有進棧出棧以及拆動各項之冊簿其進出拆動各事均須隨時逐一分晰註明其各簿冊式樣應由海關酌訂

一海關派差到棧或常川住宿或隨時進出以及核對冊簿稽查貨物各等事該關棧之人不得攔阻

一凡貨主報關請領洋貨入關棧之准單後其單內所開之貨入棧時應由關棧之人眼同關差核對將貨物安置妥貼一面將入棧各貨填註於關訂之冊簿內一面將入棧准單內註明收到字樣交付關差作銷

一凡貨主報關請領取式拆動准單後赴棧交單時該關棧之人務須知會關差眼同監視方准拆動取式其貨照章封固一面由關棧將拆動取式各節登註於關訂之冊簿內一面將准單交付關差作銷

一凡貨主報關請領上海銷售暨赴長江各口之准單後其赴棧交單領貨時應由關棧之人知會關差眼同監視方准領貨出棧一面將某貨出棧各節填註於關訂稅清之冊簿內一面將出棧准單交關差作銷

一凡貨主報關請領復出口往通商他口或回外國出棧之准單後其赴棧交單領貨時應由關棧之人知會關差眼同監視方准領貨出棧一面將某貨出棧各節填註於關訂之撥貨復出口冊簿內一面將出棧准單交關差作銷

一凡貨囤棧納稅出棧擬以十二個月爲限限滿貨主不到卽應由關棧代納其稅將貨挪移他處

一其關棧內應如何將貨物安置妥貼如何開閉棧門如何抽收囤貨經費如何定規保險各事既屬該棧

私事則俱由關棧自理與關無涉惟須將其各等私章隨時呈關備察

以上所列之四項章程係上海關棧試辦章程日後應改應添應除各層則可由該關因時酌議隨地制宜但須以原訂四項爲範圍

隨京字第壹千捌百伍拾伍號

總理衙門劄行總稅務司

爲劄行事光緒十三年八月初七日准

南洋大臣咨開據江海關道詳稱上海設立關棧一事准招商局復核總稅務司所列四項章程內有應遵之章九條均屬可行並無窒礙現擬將南棧金利源第一號三層樓棧房一所及北棧虹口第五號大棧房一所先行租用以爲開辦之始棧內各事一切俱備等因除由本衙門咨復

南洋大臣轉飭江海關道定期開辦外相應劄行總稅務司查照可也須至劄者
光緒拾叁年捌月貳拾叁日

總字第壹千伍百伍拾陸號

CIRCULAR No. 418 (SECOND SERIES).

Opium: simultaneous collection of Duty and Likin; co-operation of Hongkong and Macao Governments; review of negotiations and arrangements to date.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 16th May 1888.

SIR,

1.—When the Chinese Government desired to give effect to the Additional Article, Chefoo Convention, and proceed with the simultaneous collection of Import Duty and Likin on Foreign Opium, there were still two important preliminaries to be arranged: the other Treaty Powers had to be informed and their assent sought for, and it had to be ascertained whether it would be necessary to act with or without the co-operation of Hongkong and Macao. One after another the various Powers signified their assent, and steps taken at Hongkong and Macao provided for the co-operation which is now given to the Kowloon and Lappa Customs by the Colonial Authorities.

2.—The Hongkong Commission which met in 1886, and of which the members were Chief Justice Russell, Consul Brenan, Shao Taot'ai, and myself, was originally provided for some 10 years before by the Chefoo Convention; but the object the Convention first had in view was to diminish the friction caused by the action of the then newly-established Customs Stations on the islets near Hongkong. When the Commission eventually met, that friction had ceased to cause uneasiness, and the Hongkong member declared that there was nothing objectionable in the action of the Stations: that declaration took away all value from the *quid pro quo*—the closing of the Stations—which China proposed to offer for the Colony's acceptance of a plan to be put before the Commission, and which was to provide for the presence of Chinese Opium Hulks in Hongkong waters for the collection of China's Opium revenue. In Enclosure No. 1 will be found the details of this proposal: what was wanted was a Colonial Ordinance requiring all Opium discharged at Hongkong to be discharged into the Chinese Opium Hulks, and all subsequent work was to be done, and the expense of it borne, by China.

3.—The Chinese proposal to establish Opium Hulks proved unacceptable, and the Hongkong member of the Commission then introduced his plan for dealing with Opium—the one point of most interest to China,—and it appeared to me so very much better than

nothing that I accepted it, although its main feature was that, instead of letting China do Chinese work in Hongkong waters with her own men and her own money, the Hongkong Government undertook a large part of it. Seeing that my aim was to secure an arrangement by which the largest Opium revenue would be collected for China at the smallest expenditure of China's money and with the least likelihood of creating ill-feeling locally, I was more concerned about the substance than the form: the result was the Hongkong Colonial Ordinance, of which Enclosure No. 2 (*A* and *B*) is a copy.

4.—At Macao a somewhat similar Ordinance next followed; *vide* Enclosure No. 3 (*A* and *B*).

5.—As first drafted, the Hongkong Ordinance limited the export of Opium to whole chests only; but the dealers in Opium petitioned to be allowed to continue the local retail trade and export the drug in smaller quantities. The proposal was sent to Peking and was eventually assented to, on condition that the only vessels entitled to export the broken chests of a retail trade should be declared to be the local traders, viz., Chinese junks and the river steamers plying regularly between Hongkong, Macao, and Canton: by all other vessels, and to all other ports, Opium could only be sent away in whole chests; and the original "whole chest rule" was to be reverted to in the event of experience proving the "broken chest concession" detrimental to revenue. At the Yamên I advised in the sense of acceptance, because I thought it would be undoubtedly best for the success of the scheme that there should be accord and not discord between the Colonial Authorities and the Colonial population; because the retail plan converted the supply of information from Colony to Customs regarding exports into a public duty, while in the whole chest plan the supply of information, though officially understood, was rather of the nature of a private understanding; and because I hoped by a new style of Bond to put a stop to malpractices, especially in the river steamers, only too likely to give more trouble where broken chests than where whole chests were exported. Co-operation commenced at Hongkong on the 1st June, and at Macao on the 4th June, 1887. In this connexion I append copies of the representation in favour of broken chests submitted by the Opium interest at Hongkong, and of my reports to the Yamên and the Yamên's despatch to the British Minister, together with the Colonial Chinese versions of the Hongkong and Macao Opium Ordinances, etc.

6.—A year and a half has now gone by since the Yamên decided to put the Additional Article in force, and the Hongkong and Macao

Ordinances have each been almost a year in operation. It is gratifying to be able to record the fact that the new duties thrown upon the Customs have been well performed, and that the plan of co-operation is a success and gives excellent results both along the coast and locally at Hongkong and Macao. The promptness with which the simultaneous collection was commenced, after brief preparation and at the time fixed, from Newchwang to Pakhoi,—the admirable manner in which revenue has ever since been collected, and the tedious and responsible work of warehousing, stamping, and releasing Opium carried on,—the success with which obstacles that threatened difficulty have been met and removed,—the general feeling of content that is found everywhere, now that all ports levy Likin at the same rate, and the natural routes for reaching the best markets need no longer be shunned,—and the easy working of the Hongkong arrangement, the linch-pin of the Opium revenue wheel,—are, one and all, noteworthy, satisfactory, and creditable: they are fully appreciated by myself, and both understood and recognised by the Chinese Government. The ability displayed by the Commissioners who opened the Kowloon and Lappa Custom Houses, Messrs. Morgan and Faragó, has been conspicuous throughout, and the entire Customs Staff at every port has taken hold of new work under sufficiently trying circumstances in the most commendable manner.

7.—It is a somewhat curious fact that up to this date no Retail Licenses have been taken out at Hongkong; from this it may be inferred that the retail agitation, which delayed the Ordinance a couple of months and caused a loss of more than a million taels revenue to China, was uncalled for, and that the first plan elaborated by the Customs for passing Opium under the “whole chest” Ordinance provided adequately for the requirements of both Colony and trade. The episode, however, was not without its advantages, since it gave the Colonial Government an opportunity to prove to the colonists that their suggestions are not neglected, while it enabled China to show that in Customs arrangements there is neither lack of foresight nor desire to act otherwise than reasonably and harmoniously. At Macao, on the other hand, a few Licenses have lately been taken out, and in that connexion the Government of that Colony has acted very sensibly in the interest of its trade, for, instead of forcing retailers to take their property to the Stations on Chinese territory to be repacked and stamped, etc., it has invited the Customs Officers to enter the Colony and do their work in the godowns of the colonists.

8.—In conclusion, I may add that the Treaty* concluded between China and Portugal, and of which the ratifications were exchanged on the 28th April, confirms the Customs arrangements made with Macao under the Lisbon Protocol of the 26th March 1887.†

I am, etc.,

(signed) ROBERT HART,
Inspector General.

ENCLOSURE No. 1.

MEMORANDUM OF A PLAN FOR COLLECTING THE
CHINESE CUSTOMS DUTIES, ETC., ON FOREIGN
OPIUM BY ESTABLISHING CUSTOMS HULKS IN
HONGKONG WATERS.

In order to record the Chinese proposal more clearly, it is placed before the Commission in the following paragraphs, supplemented by some explanatory remarks.

1.—The difficulties which special circumstances have made for collecting Duty on Opium at the Tariff rate of *Tls.* 30 cannot fail to be intensified when the Customs commence to collect simultaneously a Duty and Likin together amounting to *Tls.* 110 per picul. From the Chinese point of view the difficulties referred to must be coped with by the adoption of one or other of three different plans, viz.:—

- (a.) England to collect the Opium revenue for China in India;
- (b.) China to do her own work; or
- (c.) England and China to act in co-operation.

2.—The first plan, viz., that by which the Opium revenue would be collected for China by England in India, is regarded by the Chinese section of the Commission as the one of the three best calculated to secure a full collection at the least cost and as less likely than either of the others to embarrass either Government or

* "Treaties and Conventions," *op. cit.*, vol. ii, pp. 274–294.

† "Treaties and Conventions," *op. cit.*, vol. ii, p. 295.

commerce. By a system of deferred payment of duties in India interference with capital could be avoided, and by freeing Opium from taxation in China smuggling and its attendant evils—an encouraged and profitable lawlessness on the side of the people, and a very considerable waste of public money in preventive measures on the side of the Government—would be brought to an end.

3.—The second plan, namely, for China to do her own work—that is, collect her own revenue on Chinese territory and take her own preventive steps all along the Chinese seaboard—is a plan which can be made thoroughly effectual, but it will necessitate large expenditure and will necessarily cause much friction, and the more thorough it is the more heavily will it press on all affected by it and the more distasteful will it become.

4.—The third plan, under which it is proposed that there shall be a sort of co-operation between England and China, is somewhere between the other two; it will be more expensive than the first, and it need not press so heavily on any interest as the second: it is the Hulk plan, and its general outline would be as follows, subject to such modifications as a full discussion of details may show to be necessary. In order to give full effect to the Additional Article of 18th July 1885, and do so in the way best calculated to secure the largest collection for China and cause least trouble to merchants, it is proposed to make the following arrangements:—

1°. The Canton Customs to provide three Opium Hulks, to be anchored at Hongkong, supplemented, if required, by a Godown on shore, and the Hongkong Government to enact an Ordinance directing all vessels arriving with Opium on board to discharge their Opium into an Opium Hulk—the French mail steamers into the French Hulk, the British into the British, and others into the Miscellaneous.

2°. Opium stored in the Opium Hulks to be treated as follows when leaving the Hulk:—

(a.) Opium leaving a Hulk to go by steamer to Macao or by small coasting vessels not under the Foreign flag to Chinese ports, to pay Duty and Likin before leaving the Hulk.

(b.) Opium leaving a Hulk to be taken to any godown at Hongkong other than the Customs Godown, to pay Duty and Likin before leaving the Hulk.

- (c.) Opium leaving a Hulk to be taken to a Chinese Treaty port by vessels under Treaty Power flags or belonging to the China Merchants' Company, to pay Duty and Likin at the Treaty port in the manner provided for by the Additional Article; but the Hulk officials will issue to each such vessel, for delivery to the Customs at the Treaty port, a Cargo Certificate describing the nature and quantity of Opium received from the Hulk and to be delivered at the Treaty port, and will also send a copy of that Certificate by some other vessel direct to the Customs at the port concerned.
- 3°. The Opium Hulks at Hongkong will not make any storage charge for Opium stored therein for any number of days not exceeding 30, but the owners of the Opium are themselves to insure their Opium.
- 4°. The Opium Duties, etc., payable at Hongkong are to be paid into a Hongkong Bank to be designated by the Customs, and are to be thence remitted weekly.
- 5°. England to establish a Rule permitting only English vessels and the vessels of such Treaty Powers as accept the Opium arrangement contained in the Additional Article to convey Opium from India or from the intermediate ports, Penang, Singapore, and Hongkong.

NOTES EXPLANATORY.

- 5.—1°. The Hulks will be trustworthy, insurable vessels, and provided with every requisite for the convenience of all concerned. The employés on board will be under the orders of the Canton (Commissioner of) Customs, and will have no other functions than those connected with the Opium work as set forth in § 2°.
- 2°. (a.) Opium going to Macao by steamer or to Chinese ports and places by small Chinese vessels is Opium which the Foreign importer may be supposed to have already disposed of: it will be therefore, no interference with trade or capital,

and no hardship, to levy Duty and Likin on it when it is about to leave the Hulk. Further, levy then and there is necessary, for if permitted to go from the Hulk without paying Duty and Likin, such Opium would never be heard of or seen again, and the levy of either would be thereafter impossible.

(b.) Opium leaving the Hulk to be landed at Hongkong and not sold should be taken to the proposed Customs Godown on shore (a kind of Bonded Warehouse), to be dealt with there in the same way as if still on board a Hulk. But if leaving the Hulk for a godown other than the Customs Godown, it may be taken for granted that it has been sold, and the levy will not be premature or injurious. In point of fact, if such levy were not insisted on, such exemption would at once open a door for smuggling: such Opium as is now smuggled by Chinese vessels would all take this route, and the present smuggling grievance would be harder than ever to deal with. Further, all such Opium is really for *Chinese* use either at Hongkong or in San Francisco, etc., and to make it pay, just as Opium going to China pays, will be no hardship to consumers or dealers. The Opium thus consumed at Hongkong, San Francisco, etc., is about 2,000 or 3,000 piculs annually (the total quantity passing through Hongkong from India being about 90,000 piculs).

(c.) The most of the Opium that passes through Hongkong goes by Foreign steamers, etc., to Treaty ports. By certificating it thus (§ 2° (c.)), the Customs will be able to keep tally of it, and then the levy of Duty and Likin will be easy at the port of destination, while at the same time the levy will be thus postponed till the importer is selling his drug. It may be necessary to supplement this Cargo Certificate procedure by requiring steamers, etc., to enter into *Bonds* to deliver the Opium at the port it is shipped for from the Hulk, or by making bills of lading countersignable by the Customs, or by both.

3°. In reply to any objection to the presence of Customs Hulks at Hongkong, etc., it may be urged:—

First. That what is allowed to be done by the consent of the two Governments is neither meddling nor assumption on the part of China.

Second. That to give effect to the Opium Additional Article such action is necessary.

Third. That Hongkong will not be harmed by such procedure either in the dignity of its Government or in the person or property of its residents.

Fourth. That when Hongkong was first occupied by the British, some such collection of duties there on merchandise generally was both contemplated and provided for, as well as defended and justified, in Lord Palmerston's instructions to the British negotiator, Sir Henry Pottinger (*vide* Parliamentary Papers: Lord Palmerston to Sir Henry Pottinger, 31st May 1841). If proper and justifiable then for all goods, how much more proper and justifiable now in the case of Opium—a special commodity and the subject of a special international compact.

4°. As regards the Rule proposed in § 5°, viz., that from India and British ports between India and China none but British or Treaty Power vessels which accept the Additional Article shall convey Opium to China, such a Rule is defensible:—

First. Opium is a British product.

Second. Opium is the subject of a special compact between England and China.

Third. Formerly only British vessels conveyed Opium to China, and to-day the only other vessels which get Opium freights are the French mail steamers; for vessels of any flag which does not accept the Additional Article to now take Opium freights would simply mean an attempt to either frustrate the objects of the Additional Article or commence a new and unfair competition with British vessels and dealers otherwise heavily handicapped by the provisions of that Article.

Fourth. Such a Rule will hurt no existing interest—will defend British vessels and traders against the unfair competition of outsiders and new-comers—is quite within the power of the British Government to enact and enforce—and is an absolutely necessary assistance or co-operation which China looks for from England in order to the proper working of the international compact contained in the Opium Additional Article.

5°. Among possible modifications foreseen, and agreeable to China if called for by the discussion of details, are the following:—

(a.) If necessary, the Hulks may be the property of the Colony, under the British flag and manned and officered by crews, etc., appointed by the Colony: in such case, China would supply the Colony with funds for first cost and maintenance, and while the Colony's own employés would see to the carrying out of rules and regulations, the only Chinese representative on board would be the Foreign Clerks appointed by the Customs Inspectorate to keep records, issue shipment certificates, etc.

(b.) If not considered allowable for China to receive taxes collected on goods of British origin not consumed in China, *e.g.*, Indian Opium consumed in Hongkong or sent from Hongkong to the United States, etc., the amount so collected could be appropriated by the Colony as part of its annual income; and so long as the Colony has an Opium Farm among its revenue-yielding items, there can be nothing unreasonable in its adding to that, or substituting for that, a revenue collected in another way—whether as Excise or Transit Duty—from Opium consumed or passing through. But the position and circumstances of Hongkong being what they are, the collection of the full sum of *Tls.* 110 per picul on the Opium that there disappears from the total arrived is not only a justifiable and essential feature of the

Hulk plan, but is also the one concession which it would be both reasonable and fair to urge the Colony to consent to—the reasonableness of the request being just in proportion to the need for the measure, and that need, again, being the outcome of a difficulty created for China by the exceptional advantages with which nature and negotiation have strengthened Hongkong.

- 6°. There are some who fear that the Hulk plan would have the effect of causing vessels to run Opium from other ports—avoiding Hongkong—direct to China, and that both the trade of Hongkong and the revenue of China would be thereby losers. Such fears, although not altogether groundless, need not be seriously entertained, seeing that alongside of the Hulk plan would function a Coast Preventive Service, certain to make the running of Opium from distant ports so difficult that it would neither pay ordinary vessels to take such freights, with the attendant risks of delay, capture, etc., nor make it worth while for any smuggling confederacy to create special vessels for any such ventures. As for what might be done on the Kwangtung seaboard by vessels starting from Tungking and Macao, special preventive measures taken along that seaboard and the water communications thence leading inland could be made thoroughly effectual. Hongkong once arranged for, no other place from which vessels clear for China offers smuggling facilities that cannot be controlled or presents revenue difficulties that cannot be surmounted.
- 7°. The proposal that only the flags which accept the Additional Article shall carry Opium from India and the intermediate ports to China lost much of its importance when France and Germany—the principal Powers concerned—accepted that Article; but were it made law, it would complement and in certain ways well fit in with the Hongkong part of the Hulk plan.
- 8°. The history of the course trade has taken during the last 40 years and the circumstances of to-day establish the fact that Hongkong's position—so close to the mainland, surrounded by islands, and at a convenient

distance from wide entrances to inner waters—and Hongkong's circumstances—originally intended simply for careening ships and godowning their stores, but now a free port and important trading centre, with a large Native population, and in constant communication with Chinese ports and places open or not open to trade—constitute a serious difficulty for China's Revenue administration to deal with. Armed junks and armed bands have thence carried Opium in bulk into China in defiance of laws and the officials detailed to enforce those laws; and daily smuggling of Opium in small quantities by hundreds of passengers constantly running to and fro between Hongkong, Macao, and Canton, by steamers allowed to ply under a most privileged treatment, are the result. The loss thus caused to Revenue and the premium set on lawlessness are facts that are felt; and Hongkong's history, looked at up-stream from the point where we are to-day, affords full demonstration of the foresight, comity, and justice with which Lord Palmerston penned his instructions of 31st May 1841, for the guidance of Sir Henry Pottinger, the negotiator of the Commercial Treaty* :—

“It is understood,” wrote His Lordship, “that the Chinese Government has consented to cede the island of Hongkong to Great Britain; and that island is supposed to be in many respects well qualified to become a commercial station of some importance for our trade with China.

* * * * *

“Her Majesty's Government have reason to suppose that Hongkong has been ceded with the condition that British and other Foreign merchandise imported into Hongkong *should there pay to Chinese Custom House Officers the usual and established Import Duties* which such goods would pay on being imported into China, and that such duties having been so paid, and the merchandise being duly stamped by the Chinese Custom House Officers at Hongkong, there should be full liberty to all persons to carry such

* For authorised reproduction of this despatch *vide* H. B. Morse: “The International Relations of the Chinese Empire,” vol. i, Appendix K, pp. 655–659.

merchandise away to any port in China without its being liable to any further payment, in such ports or elsewhere, on account of Import Duty.

“Such an arrangement would no doubt be anomalous as far as it involved the presence of Chinese Custom House Officers and the collection of Chinese Customs duties in a possession of the British Crown; and, moreover, there might be some difficulty in practically carrying into execution that part of the arrangement which would exempt such goods from any subsequent payment in a Chinese port. *But there are similar instances in Europe of duties collected in the territory of one Power by the Agents of another Power.* The Transit Duties which shipping and goods going up the Scheldt are liable to pay to the Dutch Government are collected, not at Flushing, but at Antwerp, by a Dutch Agent stationed in that Belgian town:—the duties which the Hanoverian Government levies upon shipping and goods passing by the fort of Stade in their way up the Elbe are levied, not at Stade or Brunshausen, but by a Hanoverian Agent in the city of Hamburg:—and a plan has for some time past been under discussion between Denmark and other Powers, by which, if it were adopted, the tolls which Denmark is entitled to levy upon ships and merchandise passing the Sound would be levied, not at Elsinore, but in the several Prussian, Russian, and other ports in the Baltic, by Danish Agents stationed at those ports for such purpose.

“It is possible that British commerce might be much encouraged if goods which had once been landed at Hongkong could be carried from thence to any Chinese ports without being liable for any further payment on account of duty; and the Chinese Custom House Officers in Hongkong would be less likely than the Chinese Authorities at other ports to attempt to levy exorbitant and illegal duties.”

* * * * *

6.—The three plans from which we had to choose—the Indian, the Chinese, and the Hulk plan—having now been laid aside in

favour of a fourth—the Colonial plan,—this fuller explanation of the Hulk plan is put on paper for record.

ROBERT HART.

ENCLOSURE No. 2.

A.—HONGKONG OPIUM ORDINANCE OF 1887.

[L.S.] W. G. CAMERON.

No. 22 OF 1887.

AN ORDINANCE ENACTED BY THE GOVERNOR OF HONGKONG, WITH THE ADVICE OF THE LEGISLATIVE COUNCIL THEREOF, FOR THE BETTER REGULATING OF THE TRADE IN OPIUM.

[27th May 1887.]

WHEREAS it is expedient to regulate and control the movement of Raw Opium within the Colony and the waters thereof: Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1.—This Ordinance and the Opium Ordinance of 1884, herein-after called “the principal Ordinance,” shall be construed together as one Ordinance, to be called “The Opium Ordinances, 1884 and 1887.”

Construc-
tion.

2.—“Opium” in this Ordinance means raw, crude, or un-prepared Opium.

Interpreta-
tion.

“Chest of Opium” means the package, with the Opium therein, such as is usually imported by merchants in the Colony.

“Ship” in this Ordinance and in the principal Ordinance shall be construed so as to include any steam vessel, junk, boat, sampan, or any kind of craft used for conveyance of persons or things by water.

8.—Any person offending against the provisions of sections 3, 4, and 6 shall, on conviction before a Magistrate, be liable to a fine not exceeding one thousand dollars and the forfeiture of the Opium, or, in default, imprisonment, with or without hard labour, for a period not exceeding three months, or the Magistrate may order a period of imprisonment, with or without hard labour, in lieu of a portion of the fine, provided the whole imprisonment do not exceed six months; and notwithstanding the penalty for the breach of conditions to which Licensees are subject, it shall be lawful for a Magistrate to impose on a Licensee a penalty not exceeding five hundred dollars for a breach of any such conditions, in case it may not be deemed advisable to proceed for the full penalty under the Licensee's bond. Penalties.

9.—Every person importing into the Colony any Opium shall forthwith report the same to an Officer to be appointed by the Governor, to be named the Superintendent of Imports and Exports, herein-after called "the Superintendent," giving the number of chests, and shall, before landing such Opium or any part thereof, send or cause to be sent to such Superintendent a Requisition in the form of Schedule *A*, giving the particulars therein required, whereupon the Superintendent shall furnish a Permit in the form of Schedule *B*, authorising the Opium to be landed and stored; and such Permit shall be exhibited to the Opium Farmer or his agent, and shall be signed by him or his agent, and shall not be used or acted upon until it is so signed. Permits for landing of chests of Opium.

10.—Every person moving Opium for exportation in chests shall before doing so send to the Superintendent a Requisition in form of Schedule *C*, furnishing the particulars therein required, whereupon the Superintendent shall grant an Export Permit in the form of Schedule *D*, authorising the said Opium to be exported. The owner or shipper shall cause such Permit to be exhibited to the Opium Farmer or his agent, and such Permit shall be signed by him or his agent, and shall not be used or acted upon until it is so signed. Movement and export of chests of Opium.

11.—Every person moving a chest or chests of Opium from one place to another within the Colony, or transshipping such chest or chests within the waters thereof, shall before doing so furnish to the Superintendent a Requisition, properly filled up, in the form of Schedule *E*, whereupon the Superintendent shall furnish a Permit in the form of Schedule *F*, authorising the transshipment or removal of the said Opium, which Permit shall be exhibited to the Opium Farmer or his agent, and shall be signed by him or his agent, and shall not be used or acted upon until it has been so signed. Removal and transshipment of Opium.

Steamers
arriving out
of office
hours.

12.—In the event of the arrival at or departure from the Colony of any steamer carrying Opium when the Superintendent's office is closed or may be closed before application for a Permit can be made, it shall be lawful for the agent of such steamer to land or ship any Opium without a Permit, and to deliver any Opium so landed to the owner or consignees thereof, or to keep the same in his own custody; but so soon thereafter as the Superintendent's office is opened, the said agent shall apply for the necessary Permit, and furnish the particulars requisite.

Permit to
be obtained
afterwards.

Penalty.

Forfeiture.

13.—Any person offending against or not complying with any of the provisions of sections 9, 10, 11, 12 shall be liable, on conviction, to a penalty not exceeding five hundred dollars; and any Opium imported or exported or stored or moved, or attempted to be imported or exported or stored or moved, contrary to the provisions of the foregoing sections shall be seized and may be forfeited.

Register to
be kept by
importer.

14.—Every importer of Opium shall keep a register showing the number of chests imported by him and how and to whom it was disposed of. Marks and Government numbers in the case of the Bengal drug shall be given, and such other marks or numbers in the case of other sorts of Opium as the Superintendent may require to be placed upon it.

Every offence for non-compliance with the requirements of this section shall be punishable with a fine not exceeding five hundred dollars.

Chinese
craft only
to leave
Colonial
waters be-
tween cer-
tain hours.

15.—No junk or other Chinese craft, whether licensed or not, shall leave her anchorage, unless the safety of the vessel (through stress of weather) shall render it necessary, between the hours of 6 P.M. and 6 A.M. from October to March inclusive, nor between the hours of 7 P.M. and 5 A.M. from April to September inclusive, under a penalty, on conviction before two Stipendiary Magistrates, not exceeding five hundred dollars, or the forfeiture of junk and cargo.

Special Permits or Night Clearances, hitherto grantable under Ordinance 8 of 1879, section 38, sub-sections 8 and 9, shall be no longer allowed, except in the case of Hongkong specially licensed fishing boats.

Holders to
give account
of stocks.

16.—On the coming into operation of this Ordinance, every person having in his possession, custody, or control any Opium within the Colony or its waters shall furnish to the Superintendent an account of all such Opium, and in case of chests the numbers

and marks on such chests; and the Superintendent or his deputy shall be at liberty at any time, and as often as he shall think fit, to demand in writing from every person having any Opium in his possession, custody, or control an account in writing of the Opium so held at the time of such demand, and in case of chests the marks and numbers; and the said Superintendent or his deputy shall be at liberty at any time to enter the premises where such Opium is, and to inspect the same; and any person refusing to give such account or, without reasonable cause shown, to permit such entry, or giving a false or incorrect account, shall be liable, on conviction, to a penalty not exceeding five hundred dollars, in addition to any other penalty which may be recoverable under the terms and conditions of section 4 of this Ordinance.

Superintendent may require account of stocks.

Penalty.

17.—If any Opium is found, on search authorised under this Ordinance, to have been imported contrary to the provisions of this Ordinance, or to be missing from the place in which it was stored on importation, or from the place where, according to the Permits, it ought to be found stored, the person in whose possession such Opium so imported may be found, or in whose name such Opium so missing shall have been so stored, shall be liable, on conviction, to a penalty not exceeding five hundred dollars for every chest of Opium which shall be found to have been so imported or to be so missing.

Search for deficiencies.

Penalty.

18.—If the Opium Farmer shall neglect or refuse or shall without sufficient cause unreasonably delay to do any of the acts or things herein-before provided and required to be done by him, he shall be liable to a penalty for each such offence not exceeding five hundred dollars.

Penalty on Farmers.

19.—Every person who shall under the provisions of this Ordinance make any application, or supply any particulars, return, or account, or other written statement required by this Ordinance to be made or supplied, shall sign the same himself, unless he be absent from the Colony or unable from sickness to attend to business, in which case the same may be signed by his agent for him; and if any such application, particulars, return, account, or other statement shall be false or incorrect, either in whole or in part, to the knowledge of the person so making or supplying the same, whether the same be signed by himself or by his agent, such person shall, in every case not otherwise provided for by this Ordinance, be liable, on conviction, to a penalty not exceeding one thousand dollars for the first offence, and two thousand for every subsequent offence; and such agent shall also and in like manner, if offending, be liable to penalties of the like amount.

Penalty for giving false particulars.

Search warrant may be issued by Justice of the Peace.

When satisfied on oath that there is good cause.

Officer may take possession of articles found.

Power to break open doors.

May detain persons.

Sundays.

Excise Officers, appointment of.

Arrest without warrant.

Searching ships.

20.—Any Justice of the Peace may, by his warrant directed to any Police Officer not under the rank of a Sergeant, empower him by day or by night to enter and search any dwelling-house, shop, or other building or place, or any ship, not being a man-of-war or ship having such status, lying or being within the waters of the Colony, in any case in which it shall appear to such Justice of the Peace, upon the oath of any person, that there is good and sufficient cause to believe that in any such dwelling-house, shop, or other building or place, or on board any such ship, is concealed or deposited any Opium subject to forfeiture under this Ordinance, or as to which an offence has been committed against any of the provisions of this Ordinance, and to take possession of any such Opium found to be concealed or deposited therein, and of the ship in which the same may be found, and to arrest and take any person or persons being in such dwelling-house, shop, or other building or place, or on board any such ship, in whose possession, custody, or control any such Opium may be found, or whom the said Officer may have good and sufficient reason to suspect to have concealed or deposited therein or thereabouts any such Opium; and any Officer to whom such warrant shall be directed may, in case of obstruction or resistance, break open any outer or inner doors of such dwelling-house, shop, or other building or place, and enter therein, and forcibly enter such ship, and every part thereof, and remove by force any obstruction to such entry, search, seizure, and removal as aforesaid, and may detain every person found in such place until the said place shall have been search; and all informations to be laid, and all warrants to be issued, and all arrests and seizures to be made, under this Ordinance may be had or done on a Sunday as well as on any other day.

21.—Excise Officers duly appointed under the principal Ordinance shall be deemed to be Excise Officers for the purposes of this Ordinance, and shall have the like powers, duties, rights, and liabilities with reference to Opium under this Ordinance as they have with reference to Prepared Opium under the principal Ordinance.

22.—It shall be lawful for any Police or Excise Officer to arrest without warrant any person within the Colony whom he reasonably suspects to be conveying or to have concealed on his person any Opium in contravention of the requirements of this Ordinance, and to take him before a Magistrate, to be dealt with according to law.

23.—It shall be lawful for any Inspector of Police or an Excise Officer, having reasonable ground for believing that there is Opium

in any ship within the waters of the Colony in contravention of the provisions of this Ordinance (such ship not being a ship of war or vessel having such status), to proceed without warrant on board such ship and search for such Opium, and seize any so found; and it shall be lawful for such Inspector to take the Opium so found, together with the person in whose custody, possession, or control it is found, before a Magistrate, to be dealt with according to law.

24.—This Ordinance shall come into operation on a day to be proclaimed by the Governor. Suspending clause.

Passed the Legislative Council of Hongkong this 27th day of May 1887.

ARATHOON SETH,

Clerk of Councils.

Assented to by His Excellency the Officer Administering the Government the 27th day of May 1887.

FREDERICK STEWART,

Acting Colonial Secretary.

SCHEDULES.

(A.)

BILL OF PARTICULARS.

*To the Superintendent of Imports and Exports,
Hongkong.*

SIR,

PLEASE issue a Permit to land from the _____, which arrived on _____ chests of Opium, numbered and marked as below.

To be landed on _____ at _____ wharf and stored at (godown or shop or house).

_____,
Importer.

Date,

(B.)

PERMIT TO LAND.

A copy of this Permit has
been served on me.

_____,
Opium Farmer.

Date,

_____ is authorised
to land from the _____ chests of Opium,
with numbers and marks as noted below, and is authorised
to store the same in the (godown, shop, or house) of
at _____

_____,
Superintendent.

Date, _____ 18

(C.)

APPLICATION TO EXPORT.

To the Superintendent of Imports and Exports.

SIR,

PLEASE issue a Permit to export by
_____ chests of _____ Opium, numbered and marked as
below, on _____ the _____ day of
_____ 18, to destination
the said Opium having been purchased by me from
_____, in whose (godown, house, or shop) it is now
stored (or the same being now stored in my godown, shop,
or house) at _____, or sold by me to
_____, who is desirous of exporting it.

Date, _____ 18

(D.)

PERMIT TO EXPORT.

A copy of this Permit has
been served on me.

Opium Farmer.

Date,

is authorised to export by
to chests of
Opium, marked and numbered as below, on
the , having been purchased by
the exporter from and now stored
in , situated at ,
and sold to , who is required to
export in terms of this Permit.

Received this Opium.

Exporter.

_____,
Superintendent.

Date, 18 .

(E.)

APPLICATION TO REMOVE.

To the Superintendent of Imports and Exports.

SIR,

PLEASE issue a Permit for the removal of
chests of (Malwa) Opium, numbered
and marked as below, from , and
from the custody and in the possession of G.H.
to the custody or possession of J.K.

Time of removal,

_____,
Owner or Shipper or Purchaser.

Date, 18 .

(F.)

REMOVAL PERMIT.

A.B. is authorised to move
chests of (Benares) Opium, marked and num-
bered as below, from , and from
the custody or possession of G.H. to the custody
or possession of J.K.

A copy of this Permit has
been served on me.

Opium Farmer.

Date,

Received this Opium.

Purchaser,

_____,
Superintendent.

Hongkong, 18

B.—REGULATIONS FOR THE ISSUE OF OPIUM
RETAIL LICENSES.

GOVERNMENT NOTIFICATION.—No. 231.

The following Terms and Conditions of Licenses for the sale of Opium are published under the provisions of "The Opium Ordinances, 1884 and 1887."

By Command,

FREDERICK STEWART,

Acting Colonial Secretary.

COLONIAL SECRETARY'S OFFICE,

HONGKONG, 31st May 1887.

TERMS AND CONDITIONS, UNDER THE PROVISIONS OF "THE OPIUM ORDINANCES, 1884 AND 1887," OF LICENSES FOR THE SALE OF OPIUM INTENDED FOR EXPORT IN QUANTITIES LESS THAN ONE CHEST.

1.—The Licensee shall on obtaining this License pay to the Treasurer the sum of one dollar.

2.—All Opium to be sold by the Licensee under the provisions of this License shall be obtained by him from the importer in chests registered under the provisions of "The Opium Ordinances, 1884 and 1887," and no Opium (other than samples not exceeding two taels covered by a Certificate of the importer) shall be received by the Licensee, nor be under his custody or control, except what shall have been so obtained by him in registered chests as aforesaid.

3.—The Licensee shall not part with any Opium sold under the provisions of this License until he shall have received a Removal Permit for the same from the Superintendent of Imports and Exports, and a receipt for the same from the master of the junk or other vessel by which the same is to be exported. The receipt shall be endorsed on the Removal Permit, and shall be retained by the Licensee until required by the Superintendent.

4.—The Licensee shall endorse on every parcel of Opium sold by him as aforesaid the quantity and kind of Opium so sold, and his own name and the name of the purchaser, and he shall also attach to every such parcel a Certificate of Sale in the form provided by section 5 of the said Ordinance (1887), stating that the said Certificate shall only be valid for three days from the date of issue thereof, including the day of issue.

5.—The Licensee shall produce all Removal Permits which he shall receive for Opium sold under the provisions of this License to the Superintendent of Imports and Exports, or to an Excise Officer, whenever required.

6.—No Opium sold under the provisions of this License shall be exported by a Foreign vessel to any Treaty port except Canton, and then only by the regular river steamers.

7.—The Licensee shall allow the Superintendent or his deputy, at any time during the continuance of this License, whether by day or night, to enter and search for deficiencies any dwelling-house, shop, or other building or place used by him.

8.—In the event of any deficiency being found upon search as aforesaid, or of the breach of any of these conditions, the Governor shall be at liberty to cancel this License without any previous notice to the Licensee.

9.—The Licensee shall enter into a Bond with two valid sureties, conditioned in the penal sum of five thousand dollars, for the due performance of each of these conditions.

10.—This License shall not be transferable except with the permission of the Treasurer first obtained.

11.—The Licensee shall not remove his business from one shop or house to another shop or house without the permission of the Treasurer.

Approved by the Governor in Council, this 31st day of May 1887.

ARATHOON SETH,

Clerk of Councils.

ENCLOSURE No. 3.

A.—MACAO OPIUM ORDINANCE.

GOVERNO DA PROVINCIA DE MACAU E TIMOR.

No. 74.

Governo da Provincia de Macau, Timor e suas dependencias.

Devendo começar n'esta data a cooperação com a Governo de Sua Magestade o Imperador da China para a cobrança dos directos sobre o Opio em harmonia com o Decreto de 28 de março ultimo;

Tendo ouvido o Conselho do Governo;

Hei por conveniente approvar o Regulamento para a fiscalisação relativa ao Opio cru em Macau e suas dependencias, que baixa assignado pelo Secretario Geral Interino d'este Governo.

As auctoridades, a quem o conhecimento e execução d'esta competir, assim o tenham entendido e cumpram.

Palacio do Governo, em Macau, 4 de junho de 1887.

O Governador da Provincia,

FIRMINO JOSÉ DA COSTA.

REGULAMENTO PARA A FISCALISAÇÃO RELATIVA
AO OPIO CRU EM MACAU E SUAS DEPENDENCIAS.

ARTIGO 1º.

Pelo Governador da Provincia será nomeado um funcionario encarregado de fazer cumprir as disposições d'este Regulamento em todo o territorio e aguas portuguezas de Macau e suas dependencias, como Superintendente da fiscalisação relativa ao Opio cru, tendo para o representar e coadjuvar dois delegados, um no concelho de Macau, outro no da Taipa e Coloan, os quaes serão tambem nomeados pelo Governo provincial.

§ unico. Esta repartição estará aberta para o expediente ordinario desde as 9 horas da manhã até ás 4 horas da tarde.

ARTIGO 2º.

Nenhum Opio poderá ser importado ou recebido, a não ser em caixa inteira.

ARTIGO 3º.

E prohibida a compra, venda ou troca de Opio em quantidade inferior a uma bola, sendo de Bengala, ou a tres cates, sendo Malwa, Persa ou Turco.

A venda e troca de Opio destinado a exportação em quantidades excedentes ás que ficam designadas, mas inferiores a uma caixa, depende de Licenças passadas pela Superintendencia.

§ unico. Estas Licenças serão passadas nas condições que forem estabelecidas pelo Governador da Provincia em Conselho.

ARTIGO 4º.

É obrigação dos individuos que teem Licença para as operações mencionadas na segunda parte do artigo antecedente affixar em cada volume do Opio que venderem em quantidade inferior a uma caixa uma Declaração conforme o Modelo *A*, annexo a este Regulamento.

ARTIGO 5º.

Com excepção do Arrematante do exclusivo do Opio, ou dos que tiverem Licença para venda a retalho, ninguem mais poderá ter em seu poder ou sob sua guarda Opio em quantidade inferior a uma caixa, sem a Declaração mencionada no artigo antecedente, devendo alem d'isso o detentor estar munido de uma Licença especial de Exportação passada pela Superintendencia segundo o Modelo *E*.

§ 1º. A prohibição d'este artigo não é applicavel ás amostras não excedentes a dois taeis de peso, devendo em todo o caso cada uma das amostras ser acompanhada d'um Certificado do importador do Opio.

§ 2º. O Superintendente recusará a Licença de Exportação, quando, em conformidade com as instrucções do Governo da Provincia, entender que ha inconveniente em a conceder.

ARTIGO 6º.

Os individuos que tiverem Licença para venda são obrigados a ter uma escripturação exacta e clara de todo o movimento do Opio que estiver por sua conta ou á sua disposição, observando o que a tal respeito for determinado pelo Governo da Provincia.

ARTIGO 7°.

A transgressão do disposto nos artigos 2°, 3° e 5° sujeita o responsável ao pagamento de multa até \$1,000, além da perda do Opio.

§ unico. Quanto porem aos individuos que tiverem Licenças para venda de Opio, as multas pela transgressão dos preceitos que lhes cumpre observar não excederão a \$500, salvo quando se derem circumstancias que resoavelmente devam influir para a applicação de pena superior, mas nunca excedente á multa de \$1,000.

ARTIGO 8°.

Os importadores do Opio, em acto consecutivo ao da chegada, são obrigados a participar ao Superintendente o numero de caixas que trazem ou recebem.

§ 1°. O desembarque do Opio só poderá operar-se com auctorisação do mesmo funcionario, mediante uma requisição feita pelos importadores, em conformidade com o Modelo *B*, devidamente preenchida.

§ 2°. Quando os importadores queiram receber ou descarregar Opio fora das horas designadas no § unico do artigo 1°, assim o participarão á Capitania do Porto, donde será enviado o pessoal necessario para exercer a devida fiscalisação.

§ 3°. A Auctorisação a que se refere o § 1°, terá a norma do Modelo *C*, servindo de passe para que o Opio seja desembarcado ou armazenado, mas não poderá usar-se sem que tenha a assignatura e sello do Arrematante ou seu agente.

ARTIGO 9°.

Tudo o que fica estabelecido no artigo antecedente e respectivos paragraphos é applicavel á exportação do Opio em caixas, com a differença porem de que a Requisição será feita nos termos do Modelo *D*, e a Auctorisação do Superintendente passada em conformidade come o Modelo *E*.

§ unico. O mesmo se observará quando apenas se pretenda operar a baldeação de Opio em aguas de Macau e suas dependencias, ou remover qualquer porção d'um para outro ponto do territorio portuguez n'esta Colonia, seguindo-se então os Modelos *F* e *G*.

ARTIGO 10°.

A infracção do disposto nos dois artigos precedentes ou nos seus §§ sujeita o responsavel a multa até \$500, podendo alem d'isso ser apprehendido o Opio.

ARTIGO 11°.

Os importadores de Opio estão obrigados a uma escripturação exacta e clara das quantidades em ser, bem como do movimento e do destino que teve a mercadoria, cumprindo-lhes dar todas as indicações, ainda mesmo por escripto, e pôr as marcas correspondentes á qualidade do Opio, sempre que o Superintendente o exigir, sob pena de multa até \$500.

ARTIGO 12°.

Nenhum junco ou outra embarcação mercante chinesa, com excepção das embarcações de pesca licenceadas pela auctoridade maritima, poderá sair de qualquer dos portos de Macau ou suas dependencias desde as 6 horas da tarde até ás 6 da manhã, de outubro a março inclusive, e desde as 7 da tarde ás 5 da manhã nos outros mezes, sob pena de multa até \$500, a qual pode ser substituida pelo confisco do junco ou embarcação com sua carga.

§ unico. Cessa a pena d'este artigo quando se provar que a saida foi forçada por motivo de tufão, ou por urgente necessidade de prover á segurança da embarcação, não sobrevivendo essa necessidade por culpa ou negligencia do capitão, cabeça encarregado.

ARTIGO 13°.

Logo que comecem a vigorar estas Instrucções, todas as pessoas que tiverem Opio em seu poder ou por sua conta, quer em terra, quer em aguas portuguezas da Colonia, são obrigadas a dar ao Superintendente uma declaração escripta do numero de caixas com suas marcas algarismos.

ARTIGO 14°.

E licito ao Superintendente, ou ao seu delegado em cada concelho, proceder a varejo nos armazens de Opio, e a inspecção nas caixas, sempre que o julgar conveniente, podendo exigir uma declaração por escripto com relação á quantidade e mais circumstancias respeitantes ao Opio que houver no armazem.

§ unico. São se pode proceder a varejo nos armazens durante as horas que decorrem do nascer ao pôr do sol, lavrando-se sempre o respectivo auto.

ARTIGO 15°.

Incorrem em multa até \$500, a qual poderá accrescer á do artigo 7°, quando se verifique tambem a transgressão do artigo 3°—

- 1°. Os que deixarem de dar as declarações mencionadas no artigo 13°, nos termos ahi expostos.
- 2°. Os que dolosamente as derem inexactas.
- 3°. Os que recusarem a entrada nos armazens ao Superintendente ou seu delegado, ou por outra forma impedirem o exercicio da faculdade conferida no artigo precedente.

ARTIGO 16°.

Fóra dos casos especialmente previstos n'estas Instrucções, são puniveis com multa até \$500 por cada caixa de Opio as transgressões que consistirem:—

- 1°. Em importar Opio sem a observancia dos preceitos consignados nos artigos precedentes.
- 2°. Em não apresentar no armazem, ou nos logares designados nas Licenças da Superintendencia, toda a quantidade de Opio que segundo aquelles documentos ahi devia existir.

§ unico. A pena comminada n'este artigo será imposta á pessoa em cujo poder for achado o Opio em contravenção, ou áquella em cujo nome figurava o Opio que faltar.

ARTIGO 17°.

O Arrematante do Opio, quando por negligencia ou malicia deixar de cumprir as obrigações que lhe ficam impostas, ou por infundada inactividade não despachar as pessoas que carecerem de dirigir-se a elle para o cumprimento d'este Regulamento, por forma que possam estas soffrer em seus interesses com delongas e subterfugios injustificaveis, incorrerá em multa até \$500 per cada vez.

ARTIGO 18°.

As participações, requisições, indicações e notas a que se referem os art. 8°, 9° e 10° e seus §§, bem como os art. 11° e 13°, deverão ser assignadas pelos proprietarios ou pelos gerentes dos estabelecimentos, e só por motivo de ausencia ou outro impedimento justo será admittida a assignatura de quem os representar, ficando n'este caso aquelles proprietarios ou gerentes sujeitos a multa até \$1,000 por qualquer infracção dolosa, ou até ao dobro por cada reincidencia, tudo sem prejuizo do que fica estabelecido para hypotheses especiaes.

ARTIGO 19°.

Alem do Superintendente, todas as auctoridades a quem as leis geraes conferem competencia para buscas e apprehensões, devem proceder a estes actos, quando haja fundada suspeita de infracção do presente Regulamento, podendo prender os transgressores, deter coisas e pessoas em casos justificados e empregar todas as medidas que julgarem necessarias para que o resultado da diligencia não seja frustrado, tudo com observancia das formalidades que as leis prescrevem para taes actos.

ARTIGO 20°.

Todas as attribuições e deveres das auctoridades locaes para impedirem as transgressões do contrato entre a Fazenda publica e o Arrematante, com relação ao Opio cozido ou preparado, são extensivos à vigilancia para a manutenção d'este Regulamento.

ARTIGO 21°.

Os agentes da policia deverão deter e conduzir á estação mais proxima os individuos que se tornarem suspeitos de trazer escondida alguma porção de Opio em contravenção.

§ unico. Aos mesmos agentes incumbe, nos casos urgentes, empregar as medidas necessarias para que em qualquer casa, embarcação não isenta ou outro logar, não se alterem as circumstancias que justifiquem a busca mencionada no art. 19°, dando logo parte na estação mais proxima, a fim de ser immediatamente prevenida a auctoridade competente para aquella diligencia.

ARTIGO 22°.

As providencias estabelecidas nas presentes Instrucções dizem respeito unica e exclusivamente ao Opio cru, ou não preparado. São consideradas caixas de Opio as que usualmente costumam empregar-se no acondicionamento e importação d'esta droga.

ARTIGO 23°.

Cada um dos Arrematantes do Opio em Macau, na Taipa e em Coloan, terá as faculdades e estará sujeito ás obrigações que ficam estabelecidas para o Arrematante do Opio indistinctamente, no territorio e nas aguas respectivas; e quando alguma porção d'aquella droga tiver de ser removida d'um para outro dos mencionados logares, será a remoção auctorizada por Licença passada pelo Superintendente ou seus delegados, e esta visada pelo Arrematante.

ARTIGO 24°.

Os infractores que não tiverem em Macau e suas dependencias bens sufficientes para responderem pelas penas pecuniarias, ficam sujeitos a prisão até seis mezes para satisfação de toda a pena ou da parte que não for paga.

ARTIGO 25°.

Todas as embarcações de que faz menção o Regulamento da Capitania do Porto e Policia Maritima estão sujeitas aos preceitos d'estas Instrucções, com excepção apenas dos navios de guerra ou equiparados.

ARTIGO 26°.

São subsidiariamente responsaveis pelas transgressões:

- 1°. Os importadores, exportadores ou proprietarios do Opio n'esta Colonia.
- 2°. Os presumidos capitães, partrões ou cabeças das embarcações que o conduzirem, emquanto não fizerem reconhecer aquelles por forma que não não seja duvidosa nem por qualquer motivo inexequivel a sua responsabilidade.
- 3°. As pessoas que presumidamente teem a principal ingerencia ou o principal arbitrio nos armazens ou casas em que se verificar a transgressão, podendo somente declinar a responsabilidade nos individuos mencionados no No. 1°, quando a responsabilidade d'estes seja exequivel, e quando demonstrarem que pela sua parte não podiam conhecer a transgressão.
- 4°. Os detentores do Opio, nos termos do No. 2°.

ARTIGO 27º.

Para as diversas operações relativas ao Opio haverá na Superintendencia uma escripturação conforme aos Modelos *H.* e *I.*

ARTIGO 28º.

As penas commindas n'este Regulamento serão applicadas em processo de policia correccional no Juizo competente.

ARTIGO 29º.

A importancia das multas impostas por este Regulamento, bem como o Opio apprehendido, constitue receita da Fazenda publica.

Secretaria Geral do Governo de Macau, 4 de junho de 1887.

O Secretario Geral Interino,

JOÃO ALBINO RIBEIRO CABRAL.

MODELO A.

No.

Declara o abaixo assignado que vendeu hoje a bolas
d'Opio de Bengala ou cates de Opio para serem
exportados pelo .

Macau, de de 18 .

F.

Esta Declaração só será válida no prazo de 24 horas.

MODELO B.

Pedido de Licença para desembarcar Opio.

O abaixo assignado pede Licença para desembarcar no dia de
de 18 em e armazenar em casa de
na rua de No. caixas d'Opio
com as marcas e numeros abaixo indicados,
vindas pelo procedente de e chegado
em de de 18 .

Macau, de de 18 .

O importador,

MODELO C.

Licença para desembarcar Opio.

Tem Licença para desembarcar no dia de
 de 18 em e armazenar em
 casa de na rua de No. caixas
 d'Opio com as marcas e numeros abaixo indicados,
 vindas pelo procedente de e
 chegado em de de 18 .
 Macau, de de 18 .

O Superintendente,

Visto.

O Arrematante,

MODELO D.

Pidido de Licença para exportar Opio.

O abaixo assignado pede Licença para exportar no dia de
 de 18 pelo com destino a
 caixas d'Opio com as marcas e
 numeros abaixo indicados, as quaes comprou a ou
 importou e estão armazenadas em casa de na rua de
 No. , ou que vendeu a que
 deseja exportar-as.

Macau, de de 18 .

F.

MODELO E.

Licença para exportar Opio.

Tem Licença para exportar no dia de
 de 18 pelo com destino
 a caixas d'Opio com
 as marcas e numeros abaixo indicados, as quaes comparou a
 ou importou e estão armazenadas em casa de
 na rua de No. , ou que vendeu a
 que deseja exportar-as.

Macau, de de 18 .

O Superintendente,

Visto.

O Arrematante,

MODELO F.

Pedido de Licença para remover Opio.

O abaixo assignado pede Licença para remover no dia de
 de 18 caixas d'Opio com as
 marcas e numeros abaixo indicados de casa de na
 rua de No. e da guarda ou posse de
 para casa de na rua de No. e
 para a guarda ou posse de .
 Macau, de de 18 .

F.

MODELO G.

Licença para remover Opio.

Tem Licença para remover no dia
 de de 18 caixas d'Opio com as
 marcas e numeros abaixo indicados de casa de na rua de
 No. e da guarda ou posse de para
 casa de na rua de No. e para a guarda
 ou posse de .
 Macau, de de 18 .

O Superintendente,

Visto.

O Arrematante,

*B.**(Translation.)*REGULATIONS FOR THE IMPORT AND EXPORT OF
RAW OPIUM IN MACAO AND ITS DEPENDENCIES.

ARTICLE 1.

The Governor of Macao will appoint a public functionary to look after the due execution of these Regulations in the whole territory and Portuguese waters of Macao and its dependencies, and to be represented and aided by two delegates to be nominated by the Governor, one in Macao and another in Taipa and Coloan.

§. This department will be open for ordinary business from 9 A.M. to 4 P.M.

ARTICLE 2.

No Opium can be imported or exported in quantities less than one whole chest.

ARTICLE 3.

It is forbidden to buy, sell, or exchange Opium in quantities less than a ball if of the Bengal kind, and three catties if of the Malwa or Turkish varieties.

The sale and exchange of Opium destined for exportation in quantities exceeding those above mentioned but less than one chest will be under Licenses to be granted by the Superintendent.

§. These Licenses shall be granted under conditions enacted by the Governor in Council.

ARTICLE 4.

It will be obligatory for holders of Licenses carrying on retail trade as mentioned in the second part of the preceding article to affix to each parcel of Opium sold by them, when less than a chest, a Declaration in conformity with Schedule *A* annexed to these Regulations.

ARTICLE 5.

With the exception of the Opium Farmer or those who shall hold Licenses for retail trade, no person shall have in his possession or under his custody Opium in quantities less than one chest without a Declaration mentioned in article 4; besides this, the holder of Opium shall be provided with a special Export License given by the Superintendent as per Schedule *E*.

§ 1. This prohibition does not apply to samples not exceeding two taels weight, but in all cases each sample shall be accompanied by a Certificate from the Opium importer.

§ 2. The Superintendent shall refuse the Export License when, instructed by the Colonial Government, he thinks it inconvenient to grant it.

ARTICLE 6.

Any person who shall have been licensed to sell shall keep a clear and exact record of all the movements of Opium retained on his own account or at his disposal, complying in that respect with whatever measures the Colonial Government may have decreed.

ARTICLE 7.

Any violation of articles Nos. 2, 3, and 5 shall involve a fine not exceeding \$1,000 and the confiscation of Opium.

§. As regards Licensees, the fine to be inflicted for violating the Rules shall not exceed \$500, except where the circumstances of a case are such as to call for the application of a heavier punishment, which, however, shall never exceed \$1,000.

ARTICLE 8.

Importers of Opium, immediately on arrival of the drug, shall inform the Superintendent of the number of chests they import or receive.

§ 1. The landing of Opium can only take place under the authority of the said Superintendent, on a Requisition to be made by the importer in conformity with Schedule *B*, duly filled in.

§ 2. Persons wishing to receive or land Opium outside the hours fixed in § of article 1 shall inform the Harbour Master, who shall depute the proper officer to do the necessary supervision.

§ 3. The Authorisation referred to in § 1 shall be drawn up according to Schedule *C*, and it shall be used as a pass for landing or warehousing the Opium, but it cannot be used unless duly signed and sealed by the Opium Farmer or his agent.

ARTICLE 9.

All that is provided in the previous article and its respective paragraphs is applicable to the exportation of Opium in chests, with this difference, that the Requisitions will have to be made according to Schedule *D*, and the Superintendent's Permit according to Schedule *E*.

§. The same shall be observed when a transshipment of Opium is to be made in the waters of Macao and its dependencies, or a removal of any portion from one point to another within the Portuguese territory of this Colony, Schedules *F* and *G* being then used.

ARTICLE 10.

Any infraction of the provisions of the preceding articles or their §§ shall render the person responsible for the infraction liable to a fine not exceeding \$500, besides which the Opium may be subject to seizure.

ARTICLE 11.

Importers of Opium are obliged to keep a clear and exact record of the actual quantities they hold, as well as of the movements and destination of the article, and they shall furnish all other necessary details in writing, and put down the marks corresponding to the quality of Opium, whenever the Superintendent shall deem fit to require them to do so, under a penalty not exceeding \$500.

ARTICLE 12.

No junk or other Chinese trading boat, licensed fishing junks excepted, shall leave the harbour of Macao or its dependencies from 6 P.M. to 6 A.M. from October to March *inclusive*, and from 7 P.M. to 5 A.M. during other months of the year, under a penalty not exceeding \$500, which may be substituted by the confiscation of the junk or boat and her cargo.

§. The penalty imposed by this article will not be enforced if it can be proved that the departure of the vessel was due to a typhoon or to other urgent necessities requiring to provide for the safety of the ship, and that it was not owing to a fault or carelessness of the master or supercargo.

ARTICLE 13.

As soon as these Instructions shall come in force, all persons having Opium in their possession or on their account, whether ashore or afloat in Portuguese waters, are obliged to furnish the Superintendent with a written declaration giving the number of chests, their marks and numbers.

ARTICLE 14.

It shall be lawful for the Superintendent, or his delegates in each of the districts, to enter the Opium warehouses and inspect the chests whenever they consider it convenient; they may also demand for a written statement as to the quantity and other details respecting the Opium stored.

§. The warehouses can only be entered during the hours between sunrise and sunset; and minutes of the proceedings shall be taken.

ARTICLE 15.

A fine not exceeding \$500, to which may be added that imposed by article 7 whenever article 3 is infringed, shall be inflicted—

- 1°. On those persons who fail to supply the declaration required by article 13 in the manner therein stated.
- 2°. On those who wilfully give incorrect declarations.
- 3°. On those who refuse admission to the Superintendent or his delegates into their warehouses, or hinder in any way the exercise of the powers conferred on them in the preceding article.

ARTICLE 16.

Besides the cases specially provided for in these Regulations, a fine not exceeding \$500 for each chest of Opium will be imposed in the following cases:—

- 1°. Importing Opium without observing the rules laid down in the preceding articles.
- 2°. Not showing in the warehouse, or at any other place designated in the *License from the Superintendency*, the whole quantity of Opium as stated in the *License*.

§. The penalty inflicted by this article will be imposed on the person in whose possession is found the Opium which is in contravention of the article or the person in whose name the deficient Opium has been registered.

ARTICLE 17.

The Opium Farmer when by negligence or malice fails to fulfil his duties, or through unreasonable inactivity fails to facilitate the despatch of business with regard to persons who apply to him to comply with these Regulations, in such a way as to damage their interests by delays and unjustifiable subterfuges, shall incur a fine not exceeding \$500 for each offence.

ARTICLE 18.

The notifications, requisitions, indications, and notices referred to in articles 8, 9, and 10, and their §§, as well as in articles 11 and 13, must be signed by the proprietors or managers of the establishments, and only in their absence or for other just impediments shall the signatures of their representatives be admitted. Proprietors or managers shall be liable to a fine not exceeding \$1,000 for any wilful infraction, or to double the amount for each repetition of the offence, the whole without prejudice to what is established for special cases.

ARTICLE 19.

Besides the Superintendent, all the other authorities on whom the general laws confer the power of instituting searches and making arrests shall resort to these measures when they have reasons to suspect that the present Regulations have been infringed, and they shall have the power to seize the violators and to detain property and persons in justifiable cases, and employ all the means that are considered requisite in order to secure the necessary result; but all such acts will be carried out with the due observance of the formalities prescribed by law.

ARTICLE 20.

All the powers vested in the local authorities for preventing a breach of contract between the public Treasury and the Farmer with regard to boiled or prepared Opium are applicable to the maintenance of these Regulations.

ARTICLE 21.

Police agents shall detain and conduct to the nearest station individuals suspected to carry concealed on their persons any portion of Opium in contravention to these Rules.

§. The said agents shall in urgent cases employ the necessary means to prevent in any house or boat not exempt, or in any other place, any interference with the search mentioned in article 19, and they shall duly report the matter to the nearest station, in order that the competent authority may immediately proceed with the search.

ARTICLE 22.

The provisions established by the present Regulations have reference only and exclusively to the raw or unprepared Opium. Opium chests are considered those which are generally employed for packing the drug when imported.

ARTICLE 23.

Each of the Opium Farmers in Macao, Taipa, and Coloan shall have the power and shall be subject to the obligations established for the Opium Farmer, without distinction, in the territory and its respective waters; and when any portion of the drug is to be removed from one to another of the places mentioned, it will be authorised by a License to be issued by the Superintendent or his delegates, and signed by the Farmer.

ARTICLE 24.

Offenders of Regulations who do not possess sufficient means in Macao and its dependencies to pay for all the fines imposed shall be liable to imprisonment for a term not exceeding six months, in lieu of the whole penalty or of the unpaid part thereof.

ARTICLE 25.

All the vessels of which mention is made in the Harbour and Water Police Regulations are subject to the provisions of these Rules, excepting ships of war or vessels of a similar character.

ARTICLE 26.

The persons who are pecuniarily responsible for the infringement of the Regulations are:—

- 1°. Importers, exporters, or proprietors of Opium in this Colony.
- 2°. Presumed captains, masters, or headmen of boats carrying Opium, until they discover and identify the real importers or exporters, so as to render their responsibility clear.
- 3°. Those persons who are supposed to have the principal control of the warehouses or of the places where the infringement occurred. They shall be able to throw their responsibility on the individuals mentioned in 1°, when the responsibility of these persons may be shown, and when they prove that on their part they did not know of the infringement.
- 4°. The detainers of Opium, in the terms given in 2°.

ARTICLE 27.

For the various transactions relative to Opium there will be in the Superintendent's office a registry in conformity to Schedules *H* and *I*.

ARTICLE 28.

The penalties inflicted under these Regulations shall be enforced after a police court trial before a competent Judge.

ARTICLE 29.

The amount of fines imposed by these Regulations, as well as the Opium seized, shall become items of public revenue.

(Signed) JOÃO ALBINO RIBEIRO CABRAL,
Acting Colonial Secretary.

COLONIAL SECRETARY'S OFFICE,
MACAO, 4th June 1887.

True translation.

(Signed) EDM. FARAGÓ,
Commissioner.

CIRCULAR No. 419 (SECOND SERIES).

**Customs Allowance: increased grant, *Tls.* 1,738,200 annually,
authorised by Imperial Decree.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 21st May 1888.

SIR,

1.—In connexion with, and in continuation of, § 10 of my Circular No. 4 of 1866* and § 1 of my Circular No. 15 of 1875,† I have now to inform you that on the 15th instant an Imperial Decree authorised the issue of an increased allowance for the support of the Service from the commencement of the current quarter (111th quarter, 1st April 1888). The allowance was formerly *Tls.* 748,200; it was raised to *Tls.* 1,098,200 from the 62nd quarter (1st January 1876); it is now fixed at *Tls.* 1,738,200, of which amount the ordinary Customs Revenue is to contribute the sum of *Tls.* 1,408,200, and Opium Likin *Tls.* 330,000.

2.—The arrangements to be made consequent on this increase in the grant will be notified to you in other Circulars.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

* *Vide antea*, pp. 58-61.† *Vide antea*, p. 335.

CIRCULAR No. 432 (SECOND SERIES).

Chinese Government Vessels: their control by the Customs; instructions.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 16th July 1888.

SIR,

1.—In addition to ordinary merchant vessels and ships-of-war, Foreign and Chinese, there are certain other steam-vessels seen along the coast and at the ports about the real ownership of which little is known, but for which exemption from Customs supervision is everywhere claimed on the score of their being official property or chartered for official purposes. Some of these steamers look like ordinary trading vessels, and all of them are at one point or another said to engage in the transport of cargo and passengers, so that in the ports which ships frequent, and in the anchorage in which cargo is worked, Custom House officers experience a difficulty in deciding what vessels to exempt from their visits, and what goods to pass without detention for examination and other formalities. Several Commissioners have addressed me on the subject, and attempts have been made at the ports to arrange locally for the control of such vessels, and at Peking to procure the issue of a general rule for their observance. Up to the present no power of control has been given to the Customs of such a kind as can be styled satisfactory; but the matter has occupied the attention of both the Yamên and the Northern and Southern Ta-chên, and it is now my duty to communicate what their consultations have resulted in, for your information and guidance.

2.—I enclose copies of despatches received from Wuhu, No. 361, and Shanghai, No. 929, and also of the despatches I addressed to the Yamên and the Yamên's reply. From these you will learn what was proposed and what has been authorised, and you will see that what is sanctioned is very far from being what the Customs want.

3.—The procedure suggested by the Ta-chên and approved by the Yamên is as follows:—

1°. *Nan-yang*:—

(a.) The names of Nan-yang or Southern vessels carrying cargo and passengers will be communicated to all Superintendents of Customs, and thereafter every

such vessel is to report and clear at the Treaty Port Custom Houses, no matter whether laden or in ballast.

- (b.) Vessels employed solely for carrying only money and munitions, etc., are to be dealt with by the officials deputed by the Superintendents, as provided by the Yamên's rules of 1880 and 1885.

2°. *Pei-yang*:—

- (c.) The *Pei-yang* or Northern vessels are to be superintended, as before, by the Chinese officials concerned when at the three Northern ports.
- (d.) If sent South, the Department concerned will supply the Superintendent concerned with a list of the things carried, and a certificate will be issued, which is to be exhibited should the vessel be boarded by any of the Customs staff.

The Yamên assents to the principle enunciated by the Nan-yang Ta-chên, that working cargo and passengers is the point at which difference begins, and approves of the treatment which has just been explained. You will study the Yamên's instructions as a whole and act accordingly.

I am, etc.,

(signed) ROBERT HART,
Inspector General.

ENCLOSURE No. 1.

No. 361.

CUSTOM HOUSE,
WUHU, 22nd December 1887.

SIR,

The steamer

Leeyuen,

flying the Chinese flag, arrived at Wuhu on the evening of the 18th instant under Chinkiang Pass. On the following morning she began to load Rice without reference to the Customs, an occurrence which, on its being reported to me, led me to issue instructions that cargo was not to be shipped until the vessel had been reported

at the Customs and the usual permits had been obtained. Hearing that the vessel had come on Government account, I intimated that it would be advisable for the official on board to see the Taot'ai and obtain the Taot'ai's endorsement on any Pass which she might have.

In the course of the morning two *Huchao* for 5,000 *shih* each of Rice were handed in, and the ship was allowed to continue her work, the question of Tonnage Dues being left over for the moment, it being assumed that some document would later on be forthcoming to establish the right of the vessel to be treated as a Government steamer.

The Customs officer on board the *Leeyuen* attempted to check the quantity of Rice which was being shipped, but objection was taken to his action, and the attitude of some of the men on board was so threatening that the officer thought it wise to leave.

In the afternoon the mate of the vessel exhibited a Pass granted by the Viceroy of Chihli, the Pass stating that the vessel was not to be interfered with by any Custom Houses and was not to pay Tonnage Dues. The mate would not, however, part with the document, averring that he had been told not to give it up. Finding on the 20th that the vessel was still in port, I requested the captain to come on shore and to bring his Certificate with him. At the interview the captain stated that he had loaded Beans at Newchwang without Customs interference, that he was not under Customs control at Tientsin, and that he had even been to Shanghai without being boarded. I formally handed him the Tonnage Dues Memo., and I also told him that on his departure I should require a Manifest from him. He objected to paying Tonnage Dues, and likewise to complying in any way with Customs requirements connected with the clearing of his vessel or the handing in of an Export Manifest. As he consented to leave the Certificate with me, I sent it in to the Taot'ai for the latter's inspection, accompanied by a letter. I also sent in the Tonnage Dues Memo., and asked whether Tonnage Dues were to be collected or not. The Taot'ai, in reply, requested me to cancel the Memo., as he was of opinion dues should not be collected. A copy of my letter and of the reply are submitted here.

The *Leeyuen* left this morning, having on board—

10,098 bags Rice.

100 bags Copper Cash.

She did not clear at the Custom House; but her destination is stated to be Weihaiwei (威海衛).

In connexion with her visit I would venture to suggest that for the avoidance of future misunderstandings and complications,

the Customs concerned should be apprised of the visit of any official vessel which is to take in cargo, and that such vessel be furnished with proper documents.

The Regulations state that vessels must be reported at the Customs, that they must either produce an unexpired Tonnage Dues Certificate or pay Tonnage Dues, and, moreover, that they must submit to Customs surveillance; and Commissioners cannot be expected to make a distinction between one vessel and another unless they are especially instructed to do so.

A Chinese version, in duplicate, of this despatch is enclosed.

I have, etc.,

(signed) WALTER LAY,*

Commissioner of Customs.

To

SIR ROBERT HART, K.C.M.G.,
Inspector General of Customs,
PEKING.

ENCLOSURE No. 2.

No. 929.

CUSTOM HOUSE,
SHANGHAI, 2nd February 1888.

SIR,

I enclose copy of a correspondence between the Shanghai Superintendent and myself respecting the Formosan transport or, more properly speaking, telegraph steamer *Feecheu* (飛捷), which

* Walter Thurlow Lay was born on the 18th April 1840 at London, son of G. Tradescant Lay, the first British Consul at Canton and Foochow, and brother of Mr. H. N. Lay, the first Inspector General. W. T. Lay was first appointed in 1861 as Student Interpreter in the British Consular Service, but left that Service and joined the Customs on the 15th October 1862 at Canton as a 3rd Class Clerk. Lay was a fluent speaker in Chinese, and for a time during the Taiping Rebellion acted as interpreter on board H.M.S. *Reynard*. During his career of 50 years in China he served in various capacities at Canton, Kiukiang, Foochow, Ningpo, Hankow, Tamsui, Newchwang, Pakhoi, Wuhu, Ichang, Chinkiang, Chungking, and Hangchow. He was appointed Deputy Commissioner on the 1st June 1875 and Commissioner on the 1st October 1877. He resigned on the 30th September 1912 and died in England on the 17th August 1917. W. T. Lay held Civil Rank of the 3rd Class and the Order of the Double Dragon, 3rd Division, 1st Class.

on a recent visit to this port shipped a quantity of cargo, said to be on Government account, prior to the issue of Government Stores Certificates, and whose officers (Europeans) resented interference on the part of Customs officials, their argument being that the vessel was on Government service.

In this connexion I beg most earnestly to draw your attention to the necessity for the early decision of the Yamên as to the status of Government transports (chartered or otherwise) *vis-à-vis* the Customs. As things exist at present, it is open to the Provincial Authorities to suddenly advise through the Superintendent that such and such a steamer is appointed for "*kuan-ch'uan*" service. The vessel is in all probability officered by Europeans, manned by a Chinese crew used to the ways and doings of a merchant vessel only, and in sole charge of a Weiyüan or a comprador, who is either ignorant of Customs rules and regulations, or feigns ignorance in order to try and avoid them and save himself trouble. That a wide door is open for smuggling under the circumstances is at once apparent; and I beg to recommend, therefore, that instructions be issued at as early a date as possible to the effect that while transports are not to be held liable to Tonnage Dues, yet they are required in the interest of the Revenue to comply implicitly with the two simple rules which I append draft of herewith, or with some of similar import.

I have, etc.,

(signed) H. E. HOBSON,*

Commissioner of Customs.

To

SIR ROBERT HART, K.C.M.G.,

Inspector General of Customs,

PEKING.

*Herbert Elgar Hobson was born on the 15th July 1844 at Ashbourne, Derbyshire, and joined the Customs Service on the 1st June 1862 at Shanghai. After studying the Chinese language at Peking, he acted as interpreter to General Gordon from the 1st April 1864 to the 1st May 1865. During his career of 50 years in China Hobson served in various capacities at Shanghai, Ningpo, Swatow, Hankow, Chefoo, Tamsui, Wenchow, Takow, Amoy, Canton, Tientsin, Ichang, Chungking, Kowloon, Wuhu, Yatung, and Tengyueh. Was appointed Deputy Commissioner on the 1st January 1872 and Commissioner on the 1st April 1873. He resigned on the 31st May 1912, and died on the 25th February 1922 in England. Hobson had the honour and responsibility of opening Custom Houses at no fewer than three ports—Wenchow in February 1877, Chungking in September 1890, and Tengyueh in April 1900. During his nine-year term as Commissioner at Shanghai (April 1901 to January 1910) Hobson did much to place Whangpoo Conservancy on a sound basis and to make it the success it afterwards became. For his services with Gordon, Hobson was decorated by the Chinese Government with a Medal of the 1st Class, and was subsequently granted at various times Civil Rank of the 5th, the 4th, the 3rd, and the 2nd Classes. He was also decorated with the Order of the Double Dragon, 3rd Division, 1st Class, and 2nd Division, 3rd and 2nd Classes.

APPENDIX.

RULES TO BE OBSERVED BY GOVERNMENT
TRANSPORTS.

1°. On arrival in port the vessel is to moor as directed by the Harbour Master. Once moored, the Weiyüan in charge (or commander) is to proceed to the Taot'ai's Yamên with a list of all cargo, Government stores or otherwise, which the vessel may have on board, and report arrival. Government Stores Certificate having been obtained, or, if already in possession, countersigned by the Superintendent, the Weiyüan is then to proceed to the Custom House and obtain a General Discharge Permit, at the same time paying duty on any articles which may be declared liable as not strictly Government stores.

2°. As soon as it is decided what export cargo the vessel is to carry, the Weiyüan is again to repair to the Yamên and take out Government Stores Certificates for all Government stores, at the same time submitting a list of all ship's stores, presents, baggage, and any dutiable cargo which he expects to have to carry. This list being countersigned by the Superintendent, he will then take it to the Customs, together with the Government Stores Certificates, when, after examination made and any duty leviable paid, a Memorandum will be prepared for the information of the Customs at the port of destination, and the vessel will then be at liberty to proceed to sea, and without payment of Tonnage Dues.

ENCLOSURE No. 3.

蕪湖關稅務司中呈總稅務司

爲中呈事光緒十三年十一月初四日晚間蕪湖關有利運輸船進口領有鎮江護照並未報關掛號亦未請領准單卽於次日自行裝米經鈴字手來關稟報會飭以照章領單方准裝米該船置若罔聞亦不由本關鈴字手在船查驗竟有人持棍欲毆多方詭嚇該鈴字手只得回關是以該船裝米未能查驗斤重數目旋經探係官用輪船復面諭本關總巡轉致該船委員須先赴道署聲明由道署照會本關辦理以免耽延而符關例等語該委員卽亦置之勿理僅將護照二張送關每張計買米伍千石本關惟循例蓋印發還而已午後有該船大副來關持

北洋大臣發給執照一紙作爲不必報關不用完鈔之據立將該執照攜回至初六日始見該船船主來關會經述以照章應納船鈔且填發本關徵收船鈔驗單一紙並諭以裝米出口照例應開槍口單呈關等語該船主概不承應仍以領有執照爲言且云會赴牛莊裝運豆石常往來天津上海等口各關均聽其行駛等語暫將該船執照留關卽經備函聲明例應徵收該船船鈔等情並將驗單執照各一紙送請監督查閱當晚接准復函內稱該船印照載明並不報關亦不完鈔自應遵照辦理免鈔放行等語仍將執照暨驗單附還本關亦卽將執照送還該船船主收執嗣經訪聞該船實裝米壹萬玖拾捌包並裝銅

錢壹百包係運赴威海衛地方起卸於初八日早開行下駛矣竊查向章凡輪船進口應先赴關掛號並應將護照總單暨船鈔執照呈關查驗起下貨物必須報關請驗完清稅餉先領起貨下貨准單由關派鈐字手驗明貨色斤件出口時又須開明艙口單呈關請單放行此乃通行照辦之定章在稅務司原不能增損擅便者也至於官用輪船進口裝貨如有實據可憑亦應先送監督驗視轉行知照辦理則稅務司始有把握庶無轆轤而免紛爭合將此次利運輪船進口裝米情形申請

憲臺鑒核設將來再有此項輪船進口裝貨作何辦理之處伏冀

批示遵行須至中呈者 光緒拾叁年拾壹月初捌日

附鈔錄一件

稅務司函致監督

敬啓者十月初十日准

函開奉

撫憲劉准

直隸爵閣督部堂李 咨據統領綏鞏等軍戴道宗稟派員赴蕪湖灣汴運漕三河一帶採買軍米壹萬石由輪船運至威海衛防營濟用請給護照二張咨免釐稅等情據咨轉飭驗免放行等因到院轉行到關奉此合將

原文照錄清摺函送卽祈查照一俟前項軍米由輪船裝運赴滬卽日驗明護照免稅放行等因並清摺一扣到本稅務司准此查該軍米並非由輪船裝運赴滬係另僱一輪船逕運威海衛地方除將該軍米壹萬石查照驗免外本關例應徵收該輪船船鈔始准裝貨出口今該船主稱係官用輪船未肯完納且查威海衛亦非通商口岸本關未便准其裝運前往合亟函佈祈

貴監督查明該輪船應否免鈔放行卽希

復知辦理勿遲爲荷所有該船應完船鈔本關驗單一紙該船主呈出執照一紙一併送請

查閱發還可也此泐順頌

助祉拾叁年拾壹月初陸日

附送驗單執照各壹紙

監督復函

敬復者頃准

函開十月初十日准函開奉

撫憲劄准

直隸爵閣督部堂李 咨據統領綏鞏等軍戴道宗薦稟派員赴蕪湖灣汴運漕三河一帶採買軍米壹萬石由

輪船運至威海衛防營濟用請給護照二張咨免釐稅等情據咨轉飭驗免放行等因到院轉行到關奉此合將原文照錄清摺函送卽祈查照一俟前項軍米由輪船裝運赴滬卽日驗明護照免稅放行等因並清摺一扣到本稅務司准此茲查該軍米並非由輪船裝運赴滬係另僱一輪船逕運威海衛地方除將該軍米壹萬石查照驗免外本關例應徵收該輪船船鈔始准裝貨出口今該船主稱係官用輪船未肯完納且查威海衛亦非通商口岸本關未便准其裝運前往合亟函佈查明該輪船應否免鈔放行祈卽復知所有該船應完船鈔本關驗單一紙該船主呈出執照一紙一併送請查閱發還等因准此查中國現辦海防威海衛係駐紮防軍之所事隸督辦海防事宜直隸總督李 既有執照爲憑又有

撫憲飭知由輪船運至威海衛防營濟用現據該船管駕呈驗印發執照載明兵輪章程並不報關亦不完鈔等因本關自應遵照辦理合行奉復並將執照一紙驗單一紙附還卽祈

貴稅司查照免鈔放行並將執照給還收執驗單註銷勿遲爲荷泐此順頌

升祉 拾叁年拾壹月初陸日

計送還

北洋大臣印照一紙本關驗單一紙

江海關稅務司中呈總稅務司

爲中呈事竊查官輪船一項現應及早申請定章以保稅課緣臺省飛捷官輪船於數日前自臺抵滬進口後未經請有免稅專單先將貨物多件下船據稱所載各物俱係官用物料與關無涉雖經接有本關監督函開奉劉爵撫憲准予查驗明文而本關扞手前往詎該船大副洋人等不服查驗堅執官船之說本稅務司因念此項官輪未知是否與本關有無干涉但如按照目前辦法如各省

督撫大憲隨時札飭或電致各海關監督謂某船係屬官輪其在船船主大副等往往雇用洋人至水手均係華人

內皆由商船出身深悉商船規例各船管駕或委員或係買辦其中不諳關章者有之熟諳關章而僞爲不知希冀免照章程藉圖省事者亦有之似此辦法適足以開走私者方便之門雖官船例得免完船鈔似應早爲立章俾有遵守實於稅課大有裨益茲將擬章兩條附呈是否有當理合備文並附抄與監督往來信函申請

鑒核施行須至中呈者 光緒拾叁年拾貳月貳拾壹日

附抄章程並監督來往信函

酌擬官輪船在各口起貨下貨章程

計開

一官輪船到口應照河泊司所定之地方停泊泊定後官船委員或船主須先赴監督衙門報明進口將所有船內裝載之官物及應行完稅之貨逐一開單呈送監督核明監督發給專單或先有別口發給之專單呈由監督蓋印後發出該委員應即赴本關請發起貨准單如有應稅之貨立即上稅

一所有出口官物該船委員應先赴監督衙門請發官物免稅專單並開一清單將所有須行下船之船用物料禮物行李及應行完稅之貨開明呈請監督畫押蓋印即將該清單並專單呈候本關查驗將應完之稅完清方能由關備文知照他口之稅務司查照該船始能放行並免收船鈔辦理

監督來函

啓者十月十九日奉

台灣爵撫憲劉 文開購買飛捷輪船現由英國駛來台北業經接收委員管帶以便往來差遣凡該官輪經過關口准予查驗放行等因奉此合就函致即祈

貴稅務司查照辦理爲荷此頌

日社拾月叁拾日

監督來函

啓者十一月二十九日據管帶飛捷輪船委員洪士龍稟飛捷船奉

台灣劉爵帥電催回台定於二十九日開行船中裝有泰來洋行承辦台北機器局需用大小鐵條銅條鐵板並造電報局木料板段等項在內二十八日下午五點鐘時洋關扞手來船稱言前項物料如無稅單不能裝載查官輪裝運物料但屬官用向不報關現在伏波輪來往上海所運官物並未報關飛捷船係水綫官輪計載物料皆屬官用別無商客搭載貨件應與商輪有別業經洋關阻止不能開行深恐有誤台北公事請致關速即放行等情用特馳布即祈

貴稅務司查照官輪之例放行爲荷此頌

日社拾壹月貳拾玖日

監督來函

啓者頃據管帶飛捷輪船委員洪士龍稟飛捷官輪此次裝運電報等局鐵條木料新關前來查阻已稟請致關查照在案卑職自奉差在船凡有司事茶房人等均嚴禁不准夾帶貨物以重公事惟台北地面不大各衙門多有派人來滬購買物件零星實是難免今

劉爵帥託協和信莊代買綢緞四包來信呈閱又內銀錢所劉伯海託買食米七十石飛捷船食米五十石文案處書箱六隻並憲衙門寄 邵藩台零星物件並非違礙然新關疑心甚重今日復來四處搜查飛捷船既非商輪又未攬載客貨遽爾如此爲外人觀之不知飛捷如何帶私以至如此設爲

爵帥聞知亦必謂卑職辦事不妥嚴干譴咎據實稟請派員赴船查驗何項物件不應裝帶當卽祇遵等情除將送到買物原信驗明發還外查飛捷官輪船現奉台灣

劉爵撫憲電催趕緊回台卽日開行用特馳布該輪船既無夾帶私物卽祈

貴稅務司查照官輪之例轉飭扞手免其查驗以利遄行並望示復爲荷此頌

日 祉 拾貳月初壹日

稅務司復函

啓者十一月二十九及十二月初二日兩接

來函以據管帶飛捷輪船委員洪士龍稟飛捷官輪此次裝運電報等局鐵條木料並

劉爵帥託協和信莊代買綢緞四包又內銀錢所劉伯海託買食米七十石飛捷船食米五十石文案處書箱六隻並 邵藩台零星物件別無商客搭載貨物新關扞手兩次來船搜查請致關放行等情函祈查照官輪之例

轉飭免驗等因查官輪裝載物件近來日見其多若不隨時稽查恐在船水手人等均係商輪出身難保無夾帶走私之弊轉瞬關稅必致大爲減色此次飛捷船因電催回台甚急不便羈阻當卽移行淡水關稅務司請將船內所載各物查明核辦至此後官輪亟應定明辦法現擬將該項官輪除進出口時仍照免船鈔外其船內起下貨物如係官用物料應定嗣後由管帶官隨時赴監督衙門請發官物免稅各項單據呈由各關憑驗立即放行如有應稅之貨按照關章繳納現經本稅務司將此情逕申

總稅務司轉請

總理衙門覈定章程示遵辦理相應函致

貴道請煩查核並希照詳

南洋大臣核奪辦理以防隱漏是爲至荷此頌

日社丁拾貳月拾玖日

總稅務司申呈 總理衙門

爲申呈事竊現據江海關稅務司詳稱臺省飛捷官輪船自臺抵滬進口後未經請有免稅專單先將貨物多件下船接准監督函開奉有

劉爵撫憲准予查驗明文隨派扞手前往查驗詎該船大副洋人等堅執所載各物俱係官用物料與關無涉不服查驗伏查此項官用輪船皆係各省大憲或置買或暫僱往來運貨非與真正國家戰船可比在船之大副管輪等往往僱用洋人如飛捷輪船者是其水手火夫等皆係向在商船傭工之華人於走私之法可稱熟技此類人等若任聽藉詞官用藐視關章不服稽查必致大開走私之門於稅課大有妨礙亟應明定章程以杜流弊而保稅餉特擬章程兩條呈請鑒核前來總稅務司查此事該稅務司擬呈章程係爲慎重稅務免滋偷漏起見所擬章程兩條茲特細加酌改開列於左

一官用輪船到口應照理船廳所指之地停泊後該船委員須赴監督衙門報到並將船內所裝之官物及應行完稅之貨逐一開單呈由監督核明將官物填發免稅專單函送稅務司發給起貨准單其應稅之貨卽令攜單赴關照章完稅領取起貨准單方准起卸

一官用輪船裝載官物出口應由該船委員赴監督衙門請發官物免稅專單如另有該船需用物件以及禮物行李並應行完稅之貨下船亦應開具清單呈請監督一併函送稅務司處由該委員赴關將應完之稅完清由關發給下貨准單並一面備文知照該船前往口岸之稅務司查照放行此項官輪須聽海關隨時委派扞手赴船稽查不得抗違不服查驗

竊維以上章程便捷易行若責成該船委員等遵辦於官差毫無阻礙於關務大有裨益查章內擬令該船遵理船廳指定之地停泊一層緣此係各國兵商各船進口時皆須遵行之章不准隨意停泊以免衝撞賠累之虞至起下物件擬令請領海關起下准單一層乃因各船貨物行李等件上下必須報關請單方足以資稽核若任聽官輪隨意起卸則他船他商之私貨出入易於影射爲官物而海關毫無從辨析也所有官用輪船進口應照理船廳指示之地停泊以及起下貨物宜令請領准單並須聽關隨時派扞手到船稽查三層緣由理合備文申請貴衙門鑒核如蒙

允行應請咨行

南洋大臣分別轉飭各口一體遵照並希

示覆以便通飭各關稅務司如何辦理可也須至申呈者

光緒拾肆年貳月初玖日

京字第壹千玖百肆拾捌號

總稅務司申呈 總理衙門

爲申呈事竊據蕪湖關稅務司詳稱光緒十三年十一月初四日官用利運輪船到口並未報關卽於次日擅行裝米當派鈴字手赴船查驗詎該船人等不准鈴字手在船多方誑嚇該鈴字手只得回關旋據該管駕將護照

二張每張載明買米五千石送關並據該船大副來關呈交

北洋大臣發給執照作爲不必報關請單亦不用完納船鈔之據當將執照函送關道商辦接准覆函內稱該船印照載明並不報關完鈔自應遵辦免鈔放行等因仍將執照還給該管駕收執該船卽於初八日出口嗣聞該船實裝米壹萬玖拾捌包並裝銅錢壹百包運赴威海衛起卸合將此次利運輪船進口裝米情形並與關道來往函件錄呈鑒核設再有此項官用輪船到口裝貨應如何辦理之處詳請核示遵行等因前來

總稅務司接准該稅務司電報前情除已電覆將利運輪船應否納鈔一節與關道酌商辦理外查官用輪船往來通商口岸裝貨往往不聽從海關管理亦不遵完船鈔若此次利運輪船在蕪湖裝米前次威利輪船在臺灣搭客均以官用不應由海關過問爲詞似此漫無稽查深恐各船紛紛效尤與關務不無有礙嗣後此項輪船進出通商口岸裝運貨物是否應令報關請單如持有護照印照等件是否應爲免稅放行其船鈔是否應行免納之處統希裁奪示復以便轉飭各口稅務司遵行合行備文申請

貴衙門鑒核可也須至申呈者 光緒拾肆年貳月初玖日

總理衙門劄復總稅務司

爲劄行事前據總稅務司中稱台省官輪自台抵滬未請免單先下貨物不服查驗特擬章程兩條申請鑒核又稱官用利運輪船在蕪湖裝米以官用不應由海關過問爲詞與關務不無有碍嗣後此項輪船進出通商口岸裝運貨物是否應令報關請單如持有護照印照等件是否應爲免稅放行其船鈔是否應行免納之處統希裁奪示復各等因當經咨行

南洋查核茲准

南洋大臣復稱官輪歸關稽查須以是否搭載客貨爲斷總稅務司議章詳加酌核自可作爲兼搭客貨之官輪定章各省官輪如須兼搭客貨必係大號船隻以後應將船名先爲移行沿江沿海各省關查照該船進出通商口岸無論所裝有無客貨均應一律赴關報驗遵照此章辦理以免管駕人等再有藉口如係專爲解餉運械等項差事而設之官輪大都小號輪船居多照光緒六年總理衙門核定專章仍責成各關道等所派之員稽查如有夾帶私貨卽照光緒十一年所定賞罰章程管駕從嚴參辦所獲私貨變價一半分給委員人等充賞一半充公該委員查獲三次以上酌給外獎如有不服盤查卽將船名並過卡日期稟請查辦倘敢扶同徇隱察出一併懲處似此分別辦理既足以杜流弊而保稅務於專供運解餉械等項之官輪遇有要差亦不致有稽遲貽誤之虞再台省飛捷官輪

劉撫院本有咨行准予查驗此次抵滬不服盤查係由該船大副不諳關章自應由

劉撫院轉飭該船管駕人等以後進出口岸務須照章報關查驗以期允洽又准

北洋大臣復稱利運船在蕪湖實裝軍米一萬九十八包與護照所載一萬石不符者實因米包舛兩差參故多裝九十八包以補不足之數至所裝銅錢一百包亦係軍營發餉之需並非夾帶走私利運本係兵駁專裝各營餉械衣糧及各海口砲台製造局所用之料向不搭裝客貨實與兵船緩急相應仍照舊毋庸報關查驗完納稅鈔惟稅務宜杜偷漏不可漫無稽查以後利運一船除來往北洋各口俱由各關道各防營及兵駁局照料起卸所裝官物仍照舊無庸備文彼此咨會外如赴南洋通商口岸卽由經裝之各營局將所裝官物實數若干咨明該口監督查照並給發執照以杜影射而昭核實倘遇關上扞手人等詢問務須將所裝官物執照呈驗不可拒絕如或故違或所裝非執照內之官物准由該口監督查明究辦各等因前來本衙門查官輪歸關稽查以是否搭載客貨爲斷最爲公允至北洋只有利運兵駁一船若往南洋各口總以執照爲憑如此分別辦理庶可無影射走私之弊相應劄行總稅務司遵照可也須至劄者

光緒拾肆年叁月貳拾叁日

總字第壹千伍百玖拾號

CIRCULAR No. 465 (SECOND SERIES).

Customs Measurement for Tonnage: application of rule; limitations .. ..	608

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 25th September 1889.

SIR,

1.—In continuation of my Circulars Nos. 16, 18, and 25 of 1870 and Nos. 94, 95, 158, 159, 191, 203, 218, 226, 229, 230, 234, 248, 251, 259, 278, 306, 324, 327, 328, 364, 415, and 457, Second Series:

Tonnage Dues:

and having reference more especially to those parts of them which relate to *Customs Measurement for Tonnage*, and in that connexion more particularly to Tonnage Dues Regulations 4 and 9, issued respectively in Circulars Nos. 16 of 1870 and 203, Second Series, I have now to call your attention to a distinction by which you are hereafter to be guided.

2.—The fourth of the Regulations of 1870 was made with a special object. At that date, on the one hand there were various places to which vessels could make a voyage within four months but a voyage to which invalidated the Four Months' Tonnage Dues Certificate, and on the other there were disputes about tonnage; the rule was accordingly introduced that vessels accepting Customs measurement might go anywhere without invalidating the Four Months' Certificate, and the object desired was attained—troublesome disputes came to an end.

3.—By the time the revised Regulations of 1882 were issued various Treaty Powers had negotiated with China on tonnage questions,—the Four Months' Tonnage Dues Certificate had become a document which time alone, and no longer place, affected,—and the cause which made it worth while for vessels to accept Customs measurement had accordingly ceased to exist; but Chinese steamers had meanwhile appeared on the scene, and to provide for their measurement, etc., the measurement Rule 4 of 1870 was re-arranged and re-appeared as Regulation 9 of 1882.

4.—The 1870 Rule has therefore given way before the Regulation of 1882, and this latter is the one we now go by; it says that vessels *requiring* measurement or re-measurement *may* apply to the Customs, and that gross tonnage will be calculated according to a British rule,

and deductions for dues-paying tonnage according to certain American instructions adopted by the Chinese Customs. The distinction to which I wish to call attention is connected with the application of this rule.

5.—Chinese merchant vessels never yet measured—vessels which have been altered—and vessels about which disputes arise—are vessels *requiring* measurement or re-measurement: if measured or re-measured by the Customs, the instructions of Regulation 9 are to be followed. Vessels whose registers are deposited at a Consulate, and whose tonnage is reported by the Consul as provided for in the Treaties, do *not* require Customs measurement: the figures reported by the Consul are to be accepted and acted on—that is, Tonnage Dues are to be calculated and charged accordingly. Many vessels are, and have long been, in possession of Customs measurement papers, and their liability for Tonnage Dues has followed, and is to follow, such measurement; but as regards the future and vessels not yet so provided, it is only when Customs measurement is required as above explained that the Certificate issued is to guide in calculating Tonnage Dues—that is, the Consular Report of the tonnage given in the vessel's own national register is to rule.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 472 (SECOND SERIES).

Port Staff, Reports on: terms “efficient,” “conduct,” “satisfaction”;
how to be understood.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 10th January 1890.

SIR,

1.—In continuation of my Circular No. 467:

Port Staff to be reported on:

I have now to state that although I have on the whole found in the replies most of the information called for, it has not come to me

altogether in the form in which I expected it, owing to the fact that some reports were based on one guess and others on another of what I wanted them for; while some were written under the influence of a feeling of uncertainty as to the real sense of the very words of the Circular. I therefore add some explanations which may be of use should similar reports be ever called for again.

2.—When I ask whether a man is “efficient” or not, it must be evident that while I demand the same quality of “efficiency” in all, I cannot be expecting it in the same degree in each: the newly arrived cannot know as much as the man who has worked a year, and the man who has worked ten years ought to be more efficient all round than the man who has not had five years’ experience. Any opinion expressed as to a man’s efficiency must therefore be qualified by writer and reader; *e.g.*,

Mr. *A.*, just arrived, seems healthy enough, strong enough, and intelligent enough for the Service;

Mr. *B.*, considering the short time he has served, knows as much as could be learnt and does it as well as could be expected;

Mr. *C.*, who has been long enough in the Service to master every division of work, is thoroughly ready at every point.

All these possess “efficiency,” *i.e.*, the quality I asked for, *viz.*, original fitness for employment and such acquired knowledge of work as could be expected from their years.

3.—Then as regards “conduct” it is evident that a man may be objected to in different degrees; *e.g.*, there is the man whose misdeeds will be noticed and punished by the law; there is the other whose doings will procure his expulsion from a Club; there is the third whose behaviour will provoke social ostracism; there is the fourth whose disregard of disciplinary observances will make him the object of official denunciation; there is a fifth class whose bearing and life bring them more pity than dislike, but whose progress seems irretrievably downwards; etc. When one asks about a man’s conduct, it is chiefly from the general points of view just indicated that an estimate is to be formed; but from the official standpoint a man’s “conduct” may be said to be good if he obeys orders willingly and does not get into scrapes.

4.—And when I asked for the names of the men who fail to give satisfaction I rather meant men whose failure in one or more respects, whether conduct or work, is such as to do away with their

office value in all other respects, *e.g.*, secret tipping in the matter of conduct, or such habitual carelessness in the matter of work as makes you feel you can never be sure their work is correct and to be relied on.

5.—My object in writing these Circulars is neither to discuss morals nor dissect work, but to keep alive such a proper supervision of employés by each port chief as shall be best for all. Useful men are welcome in our ranks, and no one is more rejoiced or more contented than myself when an employé proves really valuable, but, on the other hand, I am as much inconvenienced as—perhaps I should say more inconvenienced than—anybody else when employés fail to give the satisfaction we all have the right to look for from our comrades and colleagues, and men who are not fit must go.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR NO. 473 (SECOND SERIES).

**Training of Subordinates and periodical change of Desks:
explanations and instructions.**

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 10th January 1890.

SIR,

1.—In continuation of my Circular No. 466:

Concerning training subordinates and changing
desks quarterly, etc.:

I now write to explain that while its instructions are to be adhered to literally in the case of some subordinates, it is only in spirit that they apply to others. The man who has at some port or other been round all the desks, and who consequently can prepare Returns,—keep and render Accounts,—transact the current work of the day connected with Permits for working Cargo, payment of Duties, and

issue of Documents to accompany goods or individuals inland or to other ports,—attend to correspondence and work in the Secretariat,—and, when required to do so, take the Chinese Clerk's desk and carry on its business in Chinese, and who, in view of those acquirements, need not be moved about for his own education or training, and, when moved to make room for a new hand who has to be trained, can be relied on to take hold of any job at any desk without further preparation or fear of breakdown: to such a man that Circular's instructions only apply, so to speak, in spirit, and he need not be moved except when his movement is necessitated by the movement of others. These experienced men apart, all others are to be moved—I will not say on the first or last day of every Customs quarter, but—once in every three months or thereabouts and at convenient times, in order that a year at a port may introduce them to, if not familiarise them with, Customs work generally [Statistics, Accounts, Shipping, Cargo, Duty, Transit, Exemption, Documents, Correspondence, Periodical Returns, Pay Office, Lights, work done by Chinese Clerks, Shupan, and Writers, etc.] and the port's peculiarities [*e.g.*, River Steamer work at Canton,—all work done at one desk, as at Ichang,—work fully divided and again subdivided, as at Shanghai]. I do not wish changes to be made at times or in ways calculated to interfere with office work detrimentally, but I do want men moved about often enough to learn all the work of an office and all the peculiarities of a port.

2.—In this connexion I have now to call your special attention to the following order:—

- (a.) Whenever a Deputy Commissioner or Assistant or Clerk (Chinese as well as Foreign) is moved from one port to another, the Commissioner at the port left is to address a despatch to the Commissioner at the port gone to, stating that the employé concerned was released from duty on such a date—drew pay to such a date—served at such and such desks, and is acquainted with such and such divisions of work, adding, when necessary, that the employé has not yet qualified in such and such departments.
- (b.) An identical despatch is to be addressed at the same time to the Inspector General.
- (c.) The Commissioner at the port gone to is to post the new-comer first at the desk or desks at which he can most readily learn the kinds of work he is not yet familiar with.

- (d.) If it is evident to a Commissioner that an employé cannot qualify in any one of the several departments of work required from an effective office man, the individual is to be reported on in a special despatch, and will be discharged.
- (e.) This Circular is to be shown to the members of the In-door Staff at each port, in order that they may know what is expected from them and what they have to expect if they fail to qualify in accordance with my requirements.
- (f.) Commissioners are to encourage their subordinates to fit themselves in every direction and for all kinds of service, and to acquire an insight into all that is done at each desk—Chinese desks included; and Commissioners themselves ought to acquaint themselves with what goes on at every desk—Chinese desks more particularly.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 493 (SECOND SERIES).

**Yangtze Regulations and River Steamer Traffic: new rules
needed; suggestions required.**

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 19th April 1890.

SIR,

1.—The Revised Regulations of Trade on the Yangtze, issued in November 1862,* were, and are, “provisional, and open to revision if necessary.” They were communicated to the Legations when the Chinese Government decided on opening Custom Houses at Hankow and Kiukiang, as the Regulations under which, until those ports should be declared open by Treaty, trade with them was to be carried on; the Provisional Regulations of December 1861 were

* *Vide antea*, Circular No. 2 of 1862, pp. 14–18.

accordingly thereon withdrawn, and the Revised Regulations put in operation on the 1st January 1863, from which time they have continued in force, and for the most part unchanged, although the Yangtze Ports, by the ratification of the various Treaties, have been, so to speak, long since declared open by Treaty.

2.—The principle on which those Regulations were drawn up was to distinguish river steamers from sea-going vessels, each to be dealt with according to Treaty or the rules affecting the river ports traded at, and all of them required to produce their papers for the inspection of any revenue cruiser fallen in with; but the former, or river steamers, to be treated, in the matter of working cargo and paying duties, in such a way as to make one detention suffice, and facilitate movement to the greatest possible extent. Thus, while a sea-going vessel has to pay duty and take out permits for each lot of goods on both shipment and discharge, river steamers pay both duties in a lump and at once at the time of shipment, and so are freed from the delay which a separate payment on discharge would entail. That this distinction has been an immense boon to the constantly running river steamers is incontestable, and considering that—with the exception of the petty parcels picked up at the Yangtze Stages—all goods landed from them are shipped under Customs supervision and on permits issued only after the payment in full of the duties leviable at the two ends—port of departure and port of arrival,—it seems safe to infer that revenue is no sufferer from the absence of discharge permits, but may, on the contrary, be a gainer, owing to the impetus thereby communicated to movement, and the facilities that naturally spring up where action is freed from the vexatious restraints of unnecessary formalities.

3.—The time, however, appears to be approaching for a further revision—not that the Regulations have not worked well and in the interest of all during their almost 30 years of existence, but because trade has been growing in volume, competition has been changing conditions, and development is imposing new obligations. Sea-going vessels do not call for any special change in Regulations, seeing that the Customs Guarantee procedure, which enables cargoes to be got ready and permits vessels to work before Consular report and to depart before accounts are closed, is expansive enough to meet all the growing wants of such coasters as appear on the river; while the obligation to take out all permits at both ends gives the Customs at ports of departure and arrival all the control that is really required, whether for examination, assessing, further issue of documents, or statistics. On the other hand, river steamer doings—

more especially taken in connexion with the growing extension of inland transit—commence to accentuate a want of record at ports of arrival, and some plan seems called for of such a kind as shall enable the consignees of goods arriving to set up a proper record at the Custom House without causing any additional detention for the river steamer. The presentation of the Cargo Certificate, in accordance with Article VII of the Revised Regulations, before permission to discharge was an adequate measure when one steamer a week was all that had to be provided for, but now that the staff of each port has to do the work for huge and fully-laden steamers arriving and departing daily, and for immense quantities of goods going inland every hour under Transit Passes in many directions and subdivisions, the Cargo Certificate, although a good document to fall back upon when questions are asked and verification required, does not suffice for the amount of manipulation growth and rush and responsibility require: how is it to be supplemented, or how can its place be better supplied? The Commissioners at the ports concerned—Shanghai, Chinkiang, Wuhu, Kiukiang, Hankow, and Ichang—are to give the matter their attention and furnish me with suggestions as soon as possible. The best form for such suggestions to be submitted in will be in the form of rules, proposed to be introduced and ready for introduction, at the ports where such river steamers are dealt with, and the fewer and simpler they are, and the briefer and more general their language, the better.

* * * * *

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 505 (SECOND SERIES).

**Transit Documents Outwards: limit of time for validity of,
to be fixed locally.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 23rd June 1890.

SIR,

1.—I enclose copy of instructions received from the Yamên:

Transit Outwards:

from which you will see that—with the exception of the Chinkiang, Wuhu, Pakhoi, Kiungchow, and Canton Customs, where the matter has already been dealt with,—Commissioners of Customs are to arrange with Consuls and local officials respecting the time to be allowed for Transit Documents Outwards.

2.—My original proposal in 1872 was that such documents should be valid for 50 days in the province itself; for 100 days if for use in a neighbouring province; and for 200 days if for use in more distant provinces. After due deliberation, it was locally decided that Chinkiang and Wuhu documents should be valid for a half-year; Pakhoi, for six months; Kiungchow, for three months; and Canton, for three months in Kwangtung, and for six months if for another province; and these limits were accompanied by a rider providing for the confiscation of produce attempted to be exported under expired documents. A case having now occurred in which a Tientsin document dated 1878 has been used to pass goods, it has been decided to provide all unsupplied ports with limits and rules similar to those in force at Chinkiang and the other places above named. Each port is to be guided by its own circumstances and requirements in fixing the length of time its documents are to have validity; and individual merchants who may chance to really require extension are to be granted it, provided they report and apply beforehand and in good time.

3.—You will take the matter in hand, and, when arranged, report to me for the Yamên's information.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

總理衙門劄行總稅務司

爲劄行事土貨三聯報單一事同治十一年間據總稅務司議立繳單限期本省限五十日隣省限一百日遠省限二百日逾限作廢違章全貨入官等語經本衙門於是年十一月光緒二年十一月照知各國駐京大臣先後准復妥商辦理在案光緒三年八月五年正月二月七年九月先後准南洋大臣兩廣總督咨據鎮江關蕪湖關北海瓊海粵海各關道監督與各領事總稅務司稅務司商定限期土貨報單一宗鎮江蕪湖關以半年爲限北海以六個月爲限瓊海以三個月爲限粵海關本省以三個月爲限出省以六個月爲限違限照章議罰開辦以來商情各均協服歷久奉行無弊光緒十六年三月間准北洋大臣咨稱本年閏二月十二日有船戶張有德裝運羊毛一百十六包到紅橋分卡呈驗英商新泰興洋行原領津字第一百七十八號赴東鹿縣採買土貨聯單一紙查係光緒四年五月十二日所發記已十二年之久恐有弊竇正由津海關道訊供查究間卽據壁領事函請飭放津海關道以該關尙未示定期期亦卽照允放行旋函商

准該領事照各關已辦之報單限期成案酌定限期以杜後弊據稟咨請立案並請照會各駐京大臣前來當經本衙門錄案照會並將未辦各關一律照商開辦又函知總稅務司各在案除美國尚未照復外先後據德國日國日本國義國法國比國英國俄國各駐京大臣照復均稱係爲商務有益起見已飭各該口領事官會同地方官妥商辦理等語相應飭行總稅務司轉飭稅務司與各口領事會同地方官酌量地方情形分別日期遠近除已辦各關仍照舊辦理外其餘未辦各關照章一律定限如該商實係遇有事故仍准先期呈請酌予寬限以恤商情並將辦理情形申復本衙門可也須至飭者

光緒拾陸年肆月貳拾肆日

總字第壹千陸百玖拾伍號

CIRCULAR No. 506 (SECOND SERIES).

**Likin, etc., on Imports: Canton Viceroy's desire to entrust
to Customs; I.G.'s instructions.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 1st July 1890.

SIR,

I append for your information and guidance copy of a despatch addressed to the Canton Customs:

Concerning the Viceroy's desire to confide to the Customs the collection of *Likin, Chingfei, etc., etc., etc.*, on Foreign Imports at Treaty ports.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

The Inspector General to the Canton Commissioner.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 1st July 1890.

SIR,

1.—Regarding the Viceroy's desire to place the collection of *Likin, Chingfei, etc., etc., etc.*, on Imports in the hands of the Customs at the Kwangtung Treaty ports, and the instructions and proclamation he has issued through the Likin Board in this connexion, I have to remind you that you are to take orders generally from nobody but myself, and that if forced to let orders received through another channel go into effect before sanctioned by me, you are to record a disclaimer of responsibility. As far as any other levy than Import Duty is concerned, it is on Opium alone

that such is either permissible or, under present circumstances, possible: where the vessel concerned is Foreign, the Treaties forbid the collection of anything but Import Duty, and where Native, we have no control.

2.—Of course it would be a step in the right direction to make the Customs the only collectors at the ports, and I am very unwilling to unnecessarily oppose any movement that points towards such a consummation; but being as we are at present, on the one hand without jurisdiction, and on the other with Treaty stipulations against us, we would only expose ourselves to failure and discredit were we to fall in with the Viceroy's views without further consideration.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 509 (SECOND SERIES).

***Ad valorem* goods: disputes *re* valuation, how to be settled; instructions.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 21st July 1890.

SIR,

1.—When a dispute arises between Customs and merchant concerning—

Valuation of *ad valorem* goods for assessment of duty, the Treaties provide for its settlement in three ways—either by each party calling in two or three merchants, when the highest price any of them would give is to be the duty-paying value (British, XLII, etc.), or by Consul and Superintendent in consultation (American, XX, etc.), or by taking over the things at the Customs valuation (Japanese, XII). A more effective method—as being better calculated to prevent disputes arising from under-valuation by those who have to pay duty, and which is adopted generally where Chinese merchants are concerned—is the Customs

British:
Article
XLII.
United
States:
Article XX.
Japanese:
Regulation
XII.

plan of taking the goods at the party's own valuation; but the Treaties have not provided this method, and we cannot compel Foreign merchants to sell. The parties in such disputes may be regarded as acting *bonâ fide*—the merchant as not violating any law and the Customs as naming market value; the Customs and merchant should therefore be equally willing to act on their own figures—the merchant to sell at his valuation and the Customs to buy at theirs,—and they should conversely be reciprocally willing, the merchant to sell at Customs valuation if refusing to pay duty at that valuation, and the Customs to accept duty at the merchant's if offered the goods at that price. Our proper procedure would thereafter be to hold out for our own valuation until either British or American or Japanese method is adopted, the choice between those three methods resting with the merchant if a Foreigner.

2.—As to “merchants” who are to be called in to fix value, I do not think “any man willing to buy” would be regarded as a proper definition in such a matter: acceptable arbitrators would be “traders who buy and sell the commodity concerned,” but perhaps it would be fairer to say “traders who import” or “wholesale dealers” rather than “retailers.”

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 512 (SECOND SERIES).

**Transit, Likin, Exterritoriality, ‘Most favoured Nation’ Clause, and
Missionary Question: Yamên Circular of 1878 regarding.**

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 2nd September 1890.

SIR,

In March 1878 the Yamên addressed a very important Circular Letter to the Chinese Ministers abroad, in which the views of the Chinese Government respecting Transit, Likin, Exterritoriality, “Most favoured Nation” clause, and Missionary Question, etc., etc., etc., were very clearly set forth, and that letter was communicated to—and, I assume, its views accepted by—the Treaty Powers. As

it is desirable to have the letter on record for easy reference, I now enclose a copy.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE.

CHINA.

*The Tsungli Yamên to the Chinese Ministers abroad.**

1.—Since the Treaties of Tientsin were ratified, China's relations with Foreign Powers have invariably been conducted in accordance with their stipulations. Whatever complaints there may have been on the part of Foreign Governments on this head have in the main been occasioned by accidents to individuals and the incidence of taxation. As regards the first class of complaints, it must be remembered that such things may occur in any country, and that no amount of foresight can effectually guard against them; while as to taxation, it is where there are no Treaty provisions, or where Treaty provisions are read two ways, that differences occur.

2.—Treaties may be revised once in every 10 years, and such additions, abrogations, or modifications as are introduced depend of course on the voluntary assent of the contracting Powers. The first revision of the British Treaty was concluded by the Yamên and British Minister in 1869; but notwithstanding that friendly negotiations had extended over as much as two years, the British Government refused to ratify the arrangements of its Representative, and the Revised Treaty has never been in force. For a year past the revision of the German Treaty has been going on; and among the proposals of the German Minister there are some to which it is impossible for China to assent; so, although there has been much discussion, no settlement has been yet arrived at. In this matter of Treaty revision, a mutual interchange of views is a preliminary of

* This letter was suggested and drafted by Hart and approved by the Tsungli Yamên. It was the outcome from the experience of 15 years Customs work at the ports as well as of the negotiations for the Chefoo Convention (signed 17th September 1876), and of the contemporaneous parleys of the Yamên with the representatives at Peking of Germany, France, and Russia for the betterment of commercial relations. Chinese Envoys for the first time presented their credentials at London on the 8th February 1877, at Berlin on the 28th November 1877, at Paris on the 6th May 1878, and at Washington on the 28th October 1878.

much importance, and it appears to us that there are four cardinal points regarding which it would seem that we have up to the present failed to make the Chinese view understood. They are: 1°, Transit; 2°, Likin Taxation; 3°, Exterritoriality; 4°, The "Most favoured Nation" clause. We propose to state our views in connexion with them for Your Excellency's information.

3.—As regards dues and duties paid by Foreigners generally, we hold that by the Treaties of Tientsin Foreigners—

- 1°. Can import *Foreign* goods into China on payment of the Tariff duty;
- 2°. Can re-export duty-paid *Foreign* goods to a Foreign country and obtain drawback of the Import Duty originally paid;
- 3°. Can convey duty-paid *Foreign* goods into the interior, and either, as Chinese merchants do, pay duties at each Custom House and taxes at each barrier passed, or, by payment of the Tariff Transit Due, can free their goods from such duties and taxes *en route* to any place, however distant, named by them and entered in their Transit Certificate;
- 4°. Can purchase *Native* produce in the interior, and, if intended for Foreign export and supplied with Transit Certificates, can bring it to a Treaty Port exempt along the route from all duties and taxes, by simply exhibiting the certificates at each Custom House and barrier passed, it being merely charged the Tariff Transit Due at the "last barrier" (*i.e.*, the barrier nearest the port); or if not provided with Transit Certificates, then such produce has to pay the duties and taxes to which Chinese merchants are liable;
- 5°. Can export *Native* produce on payment of an Export Tariff Duty;
- 6°. Can convey *Native* produce from Treaty port to Treaty port on payment of an Export Duty at the port of shipment and a Coast Trade Half Duty at the port of discharge;
- 7°. Can, after payment of the Coast Trade Half Duty as above, convey such *Native* produce into the interior on payment of the duties and taxes at the Custom Houses and barriers passed *en route*, in the same manner as Chinese merchants.

The above is in a general way what Foreigners trading in Native and Foreign goods are entitled to as regards payment of duties in accordance with Treaties and Regulations.

4.—As regards *Transit Inwards*, however, Foreigners have maintained that to say goods are exempted *en route* from a port to the place mentioned in the Transit Certificate is not enough: they have held that Foreign goods which have once paid Transit Dues cannot subsequently be called upon to pay any local charge whatever. To this interpretation we cannot agree. By the Treaties Foreigners have the option of taking out or not taking out Transit Certificates. If Transit Certificates are applied for, the Treaty stipulations require that the place to which the goods are going must be named and entered in the certificate. Why is this so? It is because the certificate is only to free the goods from the Treaty port to the place named in the certificate; arrived there, the certificate becomes waste paper, and the goods thereafter differ in no respect from ordinary uncertificated goods. Again, the Foreign merchant having the option of taking out or not taking out Transit documents, it thence results that Foreign goods of two kinds are found at the same place in the interior at the same time, namely, certificated and uncertificated: the certificated goods, travelling in a given direction under certificate from the Treaty port to a place named, are by Treaty exempt from taxation everywhere *en route*; while the uncertificated goods, transported in any direction at pleasure, are everywhere liable to the incidence of local taxation. When the certificated goods have arrived at their place of destination and by the cancelling of the certificate have become uncertificated, they, like all other uncertificated goods, are thenceforth liable to taxation. The certificate once cancelled on arrival at the place of destination, how can it be possible to distinguish among equally uncertificated goods which had paid and which had not paid Transit Dues? It is evident, therefore, that complete exemption from taxation, everywhere and for all future time, is not the meaning of the Treaties, but simply that goods are to be freed from all taxes *en route*. In a word, as we understand the Inward Transit privilege, a certificate only protects goods from charges *en route* from port to place; but this is already a great privilege, for on paying one Transit Due the Foreigner can at pleasure send his goods to any market, however distant, without further liability to taxation.

5.—As regards *Transit Outwards*, Foreigners have held that goods may be brought down under Transit Certificate even when not intended for Foreign export, but meant for re-sale in China, and have gone so far as to say that, even without certificates, no

tax ought to be charged in the interior on goods ordinarily exported to Foreign countries. Now, as Chinese merchants have to pay all taxes *en route*, it is obvious that the only way Foreigners could bring down goods free would be under certificates, and therefore, without certificates, goods must pay, no matter what may be their subsequent destination. And again, since Native trade would be subjected to unfair competition if Foreigners were permitted to bring down produce under Transit Certificate and then send it to another part of China for sale, it follows that the produce that is entitled to Transit privileges can only be such produce as is intended for Foreign export. In a word, as regards Native produce outwards the case is just the same as with Foreign merchandise inwards: the transactions differ, but the amount of duty charged is the same; for just as a Foreigner can take Foreign goods to any part of China on payment of a full and half duty, so he can go to any part of China and thence take Chinese produce to a Foreign country on payment of a similar full and half duty.

6.—*Likin* is continually objected to by Foreigners. But is it not just as well known that Chinese merchants are opposed to it too, and that the Government regards it only as a temporary expedient? Independent Powers must be guided by national necessities in fixing their taxation. In these troublous times the demands on the Government are very heavy, and it is impossible to avoid having recourse to special measures. We maintain that all such matters should be left to be determined by China herself, and that the Foreigner has no more right to interfere with or object to them than China would have to interfere with or criticise the action of a Foreign Government in raising loans or increasing taxes. If Foreign merchants desire to escape the *Likin*, they can escape it: all they have to do is to supply themselves with Transit Certificates when taking Foreign goods into the interior or bringing Native produce out of the interior; if they do not carry Transit Certificates they must pay the *Likin*, for, in the absence of Transit Certificates, all goods are alike and indistinguishable, and must in the interior pay *Likin* according to the rule of the locality.

7.—As regards *Jurisdiction, i.e., Exterritoriality*. By the Treaties Foreigners in China are not amenable to the jurisdiction of the Chinese authorities, *i.e.,* they are extritorrialised. If they have disputes among themselves, their own authorities are to settle them; if they commit an offence, their own authorities are to punish them according to their own national laws. But Foreigners claim much more than this: they interpret the extritorial privilege as meaning, not only that Chinese officials are not to control them,

but that they may disregard and violate Chinese regulations with impunity. To this we cannot assent. China has not by any Treaty given Foreigners permission to disregard or violate the laws of China: while residing in China they are as much bound to observe them as Chinese are; what has been conceded in the Treaties in this connexion is merely that offenders shall be punished by their own national officials in accordance with their own national laws. For example, if Chinese law prohibits Chinese subjects from going through a certain passage, Foreigners cannot claim to go through that forbidden passage in virtue of extraterritoriality. If they go through it and thereby break a Chinese law, their own national officials are to punish them in accordance with such laws as provide for analogous cases in their own country. In a word, the true meaning of the extraterritoriality clause is, not that a Foreigner is at liberty to break Chinese laws, but that if he offends he shall be punished by his own national officials. Again, seeing that China has agreed that these judicial powers shall be exercised by Foreign Consuls within Chinese territory, Foreign Governments should on their side take care that none but good and reliable men are appointed to these posts. Several States, however, appoint merchant Consuls. Now, in so far as concerns that part of a Consul's duty which comprises the reporting and clearing of ships and the shipping and discharging of sailors, China does not object to its being discharged by merchant Consuls. But in China a Consul's duties comprise judicial functions as well, and the importance of such functions is such as to seem to demand the appointment of *bonâ fide* officials to Consuls posts; moreover, where cases requiring joint investigation occur, it is neither convenient nor dignified for a Chinese official to sit on the bench with a merchant Consul, who may have been fined for smuggling the day before, or who, in his mercantile capacity, may perhaps be personally interested in the case at issue.

8.—The "*Most favoured Nation*" clause is found in all the Treaties, and it is well that it should be so, for it is difficult for China to distinguish between Foreigners or say which belongs to which nationality; and so much is this so that even non-Treaty Power Foreigners are treated like the others. The object of the Foreign negotiator in introducing this clause was to prevent his own nationals from being placed at a disadvantage as compared with others, and to secure that all should be equally favoured. Now this is precisely what China desires. But Foreign Governments, although their objects in negotiating for the "*most favoured nation*" clause were similar to those of China, are not always fair in their

interpretation of it. For example, if China *for a consideration* grants a certain country a new privilege on such and such conditions, this would be of the nature of a special concession for a special consideration. Should other countries come forward and in virtue of the "most favoured nation" clause claim to participate in the new privilege, although China need not necessarily exact a similar consideration in return, yet it would be only just to expect that in enjoying the privileges they would consent to observe the conditions accepted by the Power to which it was originally granted. But, far from this being the case, there are some who, while demanding the privilege, refuse to be bound by the conditions attached to it. This is the unfair interpretation to which China objects. In a word, as regards this "most favoured nation" clause, we hold that if one country desires to participate in the privileges conceded to another country, it must consent to be bound by the conditions attached to them and accepted by that other.

9.—Over and above the four points commented on there is the *Missionary question*. China, recognising that the object of all religious systems is to teach men to do good, has by Treaty assented to missionaries coming to teach their doctrines in China, and has also guaranteed protection to them and to their converts. But among the missionaries are some who, exalting the importance of their office, arrogate to themselves an official status, and interfere so far as to transact business that ought properly to be dealt with by the Chinese local authorities; while among their converts are some who look upon their being Christians as protecting them from the consequences of breaking the laws of their own country, and refuse to observe the rules which are binding on their neighbours. This state of things China cannot tolerate or submit to. Under the extraterritoriality clause Foreigners are to be dealt with by their own national authorities, but as regards Chinese subjects on Chinese soil, it is only the Chinese authorities who can deal with them, and Chinese subjects, whether Christians or not, to be accounted good subjects, must render an exact obedience to the laws of China; if any offend against those laws, they must one and all, Christians or not Christians alike, submit to be dealt with by their own Native authorities, and the Foreign missionary cannot be permitted to usurp the right of shielding them from the consequences of their acts.

10.—In order that negotiations for Treaty revision may be facilitated, what is required is reciprocal consideration and mutual forbearance. We accordingly address to Your Excellency this communication.

To recapitulate:

- a. In the matter of *Inward Transit*, we hold that certificates only cover goods from a Treaty port to the place named in the certificate, exempting them from all taxes *en route*, and that, once arrived at that place, they thereafter differ in no respect from uncertificated goods, and must, like all uncertificated goods, pay whatever charge the barriers passed thereafter may collect.
- b. In the matter of *Outward Transit*, we hold that produce not yet bought by Foreigners, or bought but not covered by Transit documents, is liable to all local charges, and that goods brought down under Transit Passes for Foreigners must be sent to Foreign countries, and cannot be allowed to go to other Chinese ports for sale, to the disadvantage of Native-owned goods which have not had the benefit of the Transit Pass.
- c. In the matter of *Likin and Taxation generally*, we hold that China, as an independent State, has the right to levy whatever taxes she pleases in whatever manner she may think best; and we consider it unfair on the part of other Governments to question our proceedings or put difficulties in our way, seeing that we only collect special taxes because special circumstances call for them.
- d. In the matter of *Jurisdiction*, we hold that the extritoriality conceded in the Treaties does not free the Foreigner from observing the rules which Chinese have to observe; and seeing that Consuls have judicial powers, we think the importance of the trust requires that they should be *bonâ fide* officials, and not traders.
- e. In the matter of the "*Most favoured Nation*" clause, we hold that when any country claims to share the privileges conceded to another, it is bound to observe the conditions accepted by that other likewise.
- f. In the matter of the *Missionary question*, we hold that within Chinese territory it is only the Chinese officials who can be allowed to exercise authority over the Chinese people, and that, Christians or not Christians, Chinese subjects must one and all pay due respect and obedience to the laws of China.

What China wishes to do is to carry out the Treaties in such a way as to give full effect to all their stipulations, and place all Foreigners in China on the same footing; but she cannot allow those Treaties to be wrested to mean something which is essentially unfair to the Chinese people, nor, in attempting to adjust national resources to national wants, can she assent to any interference with her sovereignty as an independent State. What the Treaties aim at is the maintenance of peaceful relations, and it will be found that nothing contributes to this end more powerfully than a due recognition by either State of the independence and sovereignty of the other.

Your Excellency will go in person to the Foreign Office and read this despatch to the Minister of Foreign Affairs, and, if requested, leave a copy.

March 1878.

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總理衙門咨行出使大臣

爲咨行事查自天津各條約議定以來凡中外交涉事件無不查照條約各章辦理然各國亦時有謂我不能遵守條約者大抵不外洋人被虐被毆之案徵收釐稅之事耳夫外國被誣枉之事係未可預知者亦係無法防範者且係無論何國均不能保其必無者徵收釐稅之事或因條約未經議及而意義兩歧以致外國有是說也查條約每屆十年准修一次其如何增刪改換自係出於兩國情願同治八年本衙門與

英國大臣初次將英國條約應修各款議妥雖和衷商酌將及兩載之久而

英國未允其大臣所擬各端是以新約未能照行近年來又有德國修約之事德國大臣商議各端有中國萬難照允者往來論辨迄今亦無定說因思更修條約貴將兩國之意先行說明而此事內有四要端誠恐本衙門意見仍有未達明之處如貨物出入內地一也釐捐二也不歸管轄三也一體均豁四也以上四端現擬爲貴大臣縷陳之查洋商完納貨稅一事按天津各條約洋商准運洋貨進中國口岸進口時照則完納正稅洋商亦准將已完正稅之洋貨復運外國一面領回所完之稅銀洋商亦准將已完正稅之洋貨運入內地其運入內地時或准逢關納稅遇卡抽釐與華商一律辦理或准照則完納子口稅請領稅單運入內地無論所往之

地遠近即可將地名呈明填入稅單之內中途逢關遇卡均免重徵洋商亦准赴內地置買土貨倘係轉送外國之土貨若請有單照則可將所辦之貨運至通商口岸沿途各子口均祇查驗單照逢關遇卡一概免徵至近口未卡照則完納子口稅若未請有單照則准逢關納稅遇卡抽釐照華商一律辦理洋商亦准將置買之土貨於出口時照則完納出口正稅後轉送外國洋商亦准將土貨由通商此口運至通商彼口在下船之口完納出口稅在轉運貨之口完納復進口半稅洋商亦准將復運通商他口之土貨在復進通商之口完納半稅後將土貨運入內地逢關納稅遇卡抽釐與華商一律辦理此乃洋商現在販賣洋土各貨照條約章程完納稅餉之大概情形也至洋貨運入內地一節洋商有言以上所云自某口至單內所指之某處中途不重徵一語未盡其事據稱已完子口稅之洋貨日後無論在何處遇何項稅捐不應向其抽收而本衙門不能以此解爲然因思照條約章程洋商運洋貨入內地或請領稅單或不請稅單均聽其自便如請領稅單則應將運赴內地何處呈明填寫稅單之內其故何在乃因稅單祇能保單內之貨由通商口岸運送單內所指之地沿途免徵稅釐其貨已經運至所指之地稅單即應作爲廢紙嗣後該貨即與無稅單之貨無異再洋商請領稅單或不請稅單既聽其自便則有領單之貨亦有無單之貨同時在內地一處者領單之貨係由口岸運至單

內所指之地沿途稅釐一概照約准免無單之貨各處稅釐皆應完納但有單之貨已至所指之地其單即作爲廢紙該貨遂與無單之貨無異應與無單之貨一律遵完稅釐則稅單到所指之地既經繳銷各貨均無稅單是完過子口稅之貨與未完過子口稅之貨何所區別可知永遠免徵並非條約本意亦祇有中途免徵而已總之洋貨運入內地一事據本衙門之意稅單祇能保其單內所開各貨由口至所指之地沿途免徵耳洋商既准於完納正稅外祇須再納一子口半稅即准運入內地無論遠近銷貨各處其自由之益已屬不少矣至運土貨出內地一事洋商又言土貨雖非運往外國實係本地出售之物亦可請領單照運口甚至有言洋商尋常販運至外國之土貨雖無單照內地亦不應抽收釐稅各等語因思華商運土貨於沿途各釐稅均應完納則洋商運土貨到口欲免沿途抽收必須攜帶單照方可獲免是以凡屬無單之貨無論作何銷售均應遵納釐稅再洋商領單運土貨到口如准轉運中國他處銷售不送外國則洋商之貨得免而華商之貨不得免其於華商生計不無妨礙是以必須運赴外國之土貨方准領單運口總之洋商之運土貨與洋商之運洋貨其事殊其稅則一蓋洋貨入內地無論何處祇須完納正半兩稅即可隨意販運其土貨出內地運送外國則准洋商赴內地無論何處置買亦係一律照完正半兩稅也再查釐捐一事外國常以爲不然殊不知在中國之華商亦非其所願也而

朝廷視爲暫行權宜之舉因思自主之國訂其徵課應視時之所需而現在時事多艱需款甚鉅不得不格外設法籌畫至如何籌款之處應由中國作主外國之不應干預議以爲非亦與外國自行籌畫借款加賦等事中國不應干預評論無異也洋商運洋貨入內地或運土貨出內地如欲免釐祇須請領單照方能得免如無單照則凡有貨物在內地既不能區別各處釐捐均應遵照完納又查管轄一事照約洋人在中國不歸中國地方官管轄其有自相爭訟之事則由其本國官料理如其犯法亦由其本國官按本國律懲辦但外國猶有言也謂按照此不歸管之條非特中國官不應約束洋人卽洋人任意違背中國章程亦無懲辦之條矣而本衙門不以爲然因查各條約內中國實未允有洋人任意違背中國法律之條洋人居住中國者則應以中國之章與華民一體遵守而條約內所允者不過以洋人犯法係歸其本國官按本國律法辦理而已今設言之譬有路一條按中國律法華民不准行過洋人不得因有不歸管之條任意於此禁路來往如違而逕過者則應由其本國官引照本國相同律例比擬懲辦總之此條用意之所在非准洋人任意違背中國律條第以洋人如有犯事者應歸其本國官懲辦耳且思此懲辦之權中國既允由領事官在中國境內行用仍應由外國特選妥實人員充當此職方爲允當乃各國之內有數國以商人派充領事官之職者查領事官分內所司之事如

收發船隻牌照報關請單僱辭水手等事商人雖無不可料理中國並不以商人代辦此等事爲非惟領事官猶有審鞠之責事關緊要似應派委真正官員充當此職方足以昭慎重況遇應行會訊之案出地方官應與領事官公同審斷設今日在座之領事官卽前日因偷漏受罰之商人或案情與其本行有關涉既屬不成體統亦有諸多未便又查優待之益一體均霑一節各國條約內皆有此條原因各國人民中國難於區別某人係某國之人以致將未經換約各國之人民亦一律看待在中國以約內有此一條亦無不可行之事查議訂此條時在議約者本意係不令其本國商民較他國有不及之處務令一律霑受益處此誠中國昭示公溥之處也惟議定此條時外國與中國之意雖同而於證釋之中往往有失於公允之處設如有某國特允從中國一事中國因其特允之一事隨卽於通商事內酬一優待之新條並訂以應守之新章以昭限制此固於優待之益酬之於允我一事之國者也而他國亦欲憑此均霑之條藉索此可霑之益在中國雖不必以允我之事向其比例而求之而既欲同霑是益者亦必宜同守是章則一律共遵方昭公允乃止知霑其利而不復守其規是直欲受優待之益而不願守優待之章中國所謂證釋一體均霑之條有失公允者此也總之均霑一事此國既欲得彼國同一優待之益則必宜同守其章始不失爲公允此外猶有教務一節中國因各教本係令

人行善之事故於各約內允從准其前來傳教並凡傳受學習之人一體允爲保護惟傳教者有時崇其教而自尊儼若官長遂藉以干預地方官應管之事其習教者有時以爲既入其教即奉教爲護符或敢於不遵國法以民人素守之科條而故爲干犯此二端實亦我中國所不能允服而聽從者除外國官員按照專條管理外國人外凡屬中國界內止有中國官可以管理中國百姓而中國百姓無論入教與不入教應均須一一遵守中國之科條法律始爲安分無過如有犯案由中國官不分民教一律辦理外國傳教士不應護庇攙越查修約一事原須兩國互相體諒庶易商辦相應咨行

貴大臣查照所有洋貨入內地一事據本衙門之意稅單祇能保單內所開之貨由通商口岸至單內所指之地沿途免徵稅釐若已到單內所指之地後該貨即與無單之貨無異再遇關卡則應照無單之貨一律遵完稅釐土貨出內地一事據本衙門之意土貨尙未由洋人購到者或已經購買而未領有單照者各處稅釐均應遵照完納至洋人請領單照所運之貨必須全送外國不得轉運中國他口出售致於華商販運無單各貨之生意有礙釐捐一事據本衙門之意中國既爲自主之國其如何籌定徵收應聽自便而此時格外籌畫實因有格外之需如他國前來干預阻礙中國實不能以爲公允也管轄一節據本衙門之意按各條約內不歸管

之條非准由洋人將華民應遵之章任意違背至於領事官既有審鞠之權則應委派真正官員充當此職不應以商人代充以昭慎重也均霑一節據本衙門之意此國請霑彼國所得之益則應同守彼國所遵之章也教務一節中國界內祇有中國官可以管理中國百姓而中國百姓入教與不入教者均應遵守中國法紀夫中國於邦交之事所欲者恪遵條約章程辦事耳一則按條約之意儘量而爲之一則舉友邦之人一律而優待之惟邦交之事如此若於條約字意之外爲外國附會強解添註是於中國人民增其不公不服之處若使中國徵課權宜之法爲外國阻礙而難行則按中國自主之權而論亦我中國不允不服之事也各國條約原有修好及永遠相安之意而其永遠相安之道所重者則在彼此互從各國各有自主之權耳此文應由

貴大臣躬赴

外務衙門向 外務大臣誦聽其顛末如欲閱看卽錄送一分可也須至咨者

光緒 四年 月 日

CIRCULAR No. 517 (SECOND SERIES).

Deputy Commissioner: position, duties, etc., *vis-à-vis* Commissioner and Chinese officials.

Assistants: relations of, to Commissioner.

Office Affairs: as a rule, not to be kept from knowledge of staff.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 23rd September 1890.

SIR,

1.—Some questions having recently been referred to me concerning the general principles which are to guide in fixing the position, duties, responsibilities, and privileges of Deputy Commissioners, I think it best, in continuation of Circulars No. 54 of 1875 and Nos. 30, 86, 162, 266, Second Series, to treat the matter in a Circular for general guidance.

1°. Is the Deputy Commissioner expected to visit or know the Chinese officials with whom he might on occasion have official relations ?

He is. As soon as may be convenient after arrival at a port, the Deputy Commissioner ought to be taken by the Commissioner to call on the Superintendent and also on Foreign Consuls, and, when opportunity offers, ought besides to be introduced or presented to such other or higher officials as the Commissioner from time to time has to meet. Seeing that a Deputy Commissioner may have suddenly to take charge in the event of anything incapacitating the Commissioner, it is desirable that he should from the first have some personal acquaintance with all such Chinese officials at the port as business or comity may possibly require him to know. When quitting a port the Deputy Commissioner ought to visit and take leave of the Superintendent, and ought to send his *p.p.c.* cards in Chinese style to such other officials as he knows or has had dealings with.

2°. Is the Deputy Commissioner expected to be kept acquainted with correspondence with the Inspectorate and in general ?

He is; and to ensure this, it would be well to make the care of archives and the registration of all official correspondence part of his regular duty.

3°. Is he to be consulted about internal office arrangements and work before leaves are granted ?

Before granting any leave the Commissioner ought certainly to let the Deputy Commissioner know that it is applied for, and arrange

with him how best to supply the place and carry on the work of the man who is about to be absent.

4°. Has the Deputy Commissioner any more right after the Commissioner than anybody else to the use of Custom House boat and crew ?

Boats and crews are provided for official work, and not for private convenience or pleasure; and it is the Commissioner's duty—or the Deputy Commissioner's if in charge—to see that they are distributed in such a way as the work of the port requires. When not at work, it is the officer in charge of the port alone who has the right to say how such boats and crews are to be made use of, and then even he is not at liberty to forget that crews have as much right to rest as other employés; that boats are not private, but Government property; and that both one and the other have a certain official status and character which may sometimes make it undesirable for them to be seen where private boats can go or to be used by other than Customs officers when off duty.

2.—At ports where there are none, what has been written above respecting Deputy Commissioners is to be read as applying to the senior Chinese-speaking Assistant at the port; and I may add generally that as every Customs employé is bound to treat all that comes to his knowledge or is done by him, as such, as being in a general way confidential, and in particular is forbidden to disclose or gossip about correspondence, I am of opinion that it will only strengthen his discretion, add to his efficiency, and increase both his interest in his duties and his *esprit de corps*, if he is encouraged to keep up with every development, and if Commissioners, remembering that the juniors of to-day are the chiefs of the future, will endeavour to make the ramifications of Customs work more intelligible and see that anything calculated to make subordination galling is avoided. A Deputy Commissioner is of course a passed Assistant, and is entitled to special courtesy and unmistakable consideration; but in respect of each of the questions raised the application of the general principle is in the hands of the Commissioner or local chief, and while at some moments his convenience must be consulted, his responsibility must at all times be safeguarded.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 524 (SECOND SERIES).

Decennial Report on condition and development of port and province to be made: instructions.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 9th December 1890.

SIR,

1.—The annual Trade Reports as called for by Circular No. 3 of 1865, and which were published separately, were directed to be discontinued by Circular No. 200, Second Series, of 1882; and those substituted have since then appeared in the same volume with the Trade Returns, and are limited to four pages and as far as possible confined to remarks on the trade of the port. The instructions of Circulars Nos. 200, 476, and 523, Second Series, are to rule till further orders, but as it will be advisable to have papers of the old kind issued every 10 years, to serve as general records of the decennary,* I have now to instruct you to prepare such a paper during the year 1891, in addition to the four-page Trade Report, for publication under the date of the 31st December 1891.

2.—The paper now called for is to be made as interesting as possible, and may extend to 30 pages, and, whatever else your local knowledge enables you to add, such subjects as the following ought not to be omitted:—

- (a.) The period since the last similar paper (1881) is to be reviewed and the chief occurrences of the 10 years at your port and in your district and province are to be adverted to.
- (b.) Changes in trade, whether in channels, demand, or supply, as also disappearance of old and appearance of new commodities, together with decrease and increase in total value of trade and any striking fluctuations in value of commodities, are to be stated.
- (c.) Growth or decrease of Revenue, whether as regards its sum total or its divisions or the parts of it derived from special commodities, is to be shown.
- (d.) The condition of the Opium trade, the quantities annually disposed of, the prices obtained for the

*There have been five issues of Decennial Reports: First Issue, 1882-91, one vol., 1893; Second Issue, 1892-1901, two vols., 1904-6; Third Issue, 1902-11, three vols., 1913; Fourth Issue, 1912-21, two vols., 1924; Fifth Issue, 1922-31, two vols., 1933.

various kinds, the extent to which Native varieties—with their prices and producing places—have competed both in your district and in places formerly supplied from your port, are all to be described.

- (e.) The state of the money market, with rates showing (1°) how much English sterling the Haikwan tael exchanged for every year, and (2°) how many local cash, and also showing whether at your port or in your district or in producing places for which your port is the outlet the Haikwan tael has continued to buy as much Native produce as, or more or less than, formerly.
- (f.) How, regarding your port as independent and unconnected with other Treaty ports, the values of goods arrived and goods departed [treated as the Statistical Secretary treated “the balance of trade question” in his Report for 1889, *i.e.*, value of Imports (minus Import Duty and charges) at moment of landing and value of Exports (plus Export Duty and charges) at moment of shipment] compared.
- (g.) Whether any special changes have taken place at your port in respect of the number, composition, character, or occupation of its population, Chinese or Foreign.
- (h.) Whether improvements of any kind have been made in the shape of bunds, roads, police, street lighting, etc.
- (i.) Whether any changes have occurred in the water approaches to the ports, such as shoaling, closing, deepening, dredging of channels.
- (j.) Whether any new aids to navigation, such as lights, buoys, and beacons, etc., have been added in your district.
- (k.) Whether any unhappy occurrences have been recorded in your province, such as strange accidents, epidemics, typhoons, inundations, droughts, insurrections, etc., and what notable steps, public or private, were taken to meet the occasion.
- (l.) Whether any noteworthy event has occurred, such as the visit and reception of a distinguished personage, and how it passed off.

- (m.) What number of high degrees were won by your province at the Peking examinations, and the names of the period's provincial *chuang-yüan*, *pang-yen*, and *t'an-hua*.
- (n.) Whether there has been any special literary movement in the province, such as the establishment or renewal of public libraries, literary clubs, great donations or bequests for literary purposes.
- (o.) What is the number of *hsiu-tsai* and *chü-jên* allowed to the province, and what is supposed to be the population, and the per-centage of persons who cannot read, and whether there are females who receive some education.
- (p.) What is the general physical character and what are the principal natural products and chief industries of the province, and whether it is porters, animals, or boats that are usually employed for transport.
- (q.) What the Native shipping of your port amounts to, and how many varieties of junks there are, with the Chinese name of each variety and the kinds of trade they engage in and the ports they trade to, and any particulars respecting the papers they take out, the crews they carry, the capital represented by them, the profits of voyages, the per-centage of losses, and whether they have any form of Native insurance.
- (r.) What Native banking agencies exist, what places they deal with, and what are their rates and style of work.
- (s.) What Native postal agencies exist and how are they managed, and to and from what places do they send and receive letters, and how and where the postage is paid.
- (t.) Whether in your own immediate department, the Customs, anything special has occurred, such as important changes in regulations, noteworthy additions to your staff, increase in either the volume or divisions of work, etc.
- (u.) Whether from the Foreign point of view any special development has been taking place in your neighbourhood in either military, naval, industrial, financial, or administrative matters, etc.

- (v.) What missionary societies are represented in your province, and what is the number of missionaries and converts, etc.
- (w.) What provinces have *hui-kuan* at your port and in what provinces your port has *hui-kuan*, with the rules of these clubs or guilds and the privileges and duties of membership, etc.
- (x.) What celebrated officials have either held office in or sprung from your province during the period, etc.
- (y.) Whether any celebrated book has appeared in your province during the period, etc.
- (z.) Whether the history of the locality during the period, or its condition and circumstances at the end of 1891, give any indication of what its future is to be, etc., etc., etc.

3.—What precedes, without being exhaustive, will to some extent give you immediate help in respect of the direction your preparatory inquiries are to take, and will show you the kind of paper I wish you to prepare; but after reading it you ought at once to run through the Reports written by your predecessors, as well those of the old style before as of the new after 1881, and decide for yourself what parts of them may be reproduced or what points in them ought to be taken up and either enlarged upon, modified, controverted, or adverted to. It will also be worth while to consider whether you would not do well to distribute some of the headings (a.) to (z.) among your staff, and direct them, Chinese as well as Europeans, to make some inquiries for you in the directions and concerning the subjects I have indicated. The Monthly Reports of Occurrences for the last 10 years ought also to be looked over by one of your staff, and such items made a note of as are fitted to assist in compiling the decennial Report.

4.—The Report is to be dated the 31st December 1891, and is to be in the hands of the Statistical Secretary before the end of March 1892. After a similar period shall have expired, a decennial Report is again to be written, to be dated 31st December 1901, and so on.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 528 (SECOND SERIES).

Shanghai Mill Cotton Cloth: Duty and Returns
treatment of; instructions.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 31st December 1890.

SIR,

1.—The Shanghai Cotton Mill Company (上海機器織布局), a Chinese institution with a Native directorate and Native capital, began last autumn to turn out and place on the market at Shanghai its product of Drills, Shirtings, etc., manufactured from local-grown cotton and closely resembling Foreign textile fabrics; and it is now time to issue instructions for the Duty and Returns treatment of this new category of piece goods.

2.—The duty rule applicable to these manufactures* has been determined by the Pei-yang Ta-ch'ên, acting under the authority of an Imperial Edict: the *rates* are to be those named in the Treaty Tariff for corresponding articles of Foreign origin; and the principle of *levy* is the following:—

- 1°. The Cotton Cloth sold and retailed for local use at and around Shanghai is duty free.
- 2°. Going *inland* it pays *Import Duty* at Shanghai, and is exempt from Transit Dues.
- 3°. Going *outwards*, *i.e.*, by vessel to another port, coastwise or Foreign, it pays *Export Duty* at Shanghai. At the (Chinese) port of discharge it is exempt from Coast Trade Duty and from all Transit Dues.

3.—Accordingly, when a Transit Pass is applied for at Shanghai for these goods, the Shanghai office will collect a full duty, to be brought to account in Revenue Returns, etc., as *Import Duty* (Native)

* This was the beginning of the privileged duty treatment of foreign-style Chinese factory products. In 1896 (*vide* Circular No. 923) it was proposed that the 5 per cent rate should be raised to 10 per cent. This proposed rate, however, was not acceptable to the negotiators then arranging for the 1896 Treaty of Commerce and Navigation with Japan, as that treaty included a clause allowing Japanese subjects "to engage in all kinds of manufacturing industries in all the open cities, towns and ports of China" (Art. VI, Treaty of Shimonoseki, 1895, and Art. IV, Treaty of 1896). The 5 per cent rate, therefore, remained unchanged till June 1920, when the Shui-wu Ch'ü brought in a new set of regulations to govern these privileged factory products, the most important of which was the abolition of all duty on such products when shipped abroad (*vide* F.P. Circular No. 464). Since 1890 nearly 2,000 factories in all parts of China have applied for registration, their products covering a most extensive range of light industry goods.

and issue a free Transit Pass; but if permit to ship is applied for, the duty collected—also a full duty—is to be brought to account as *Export Duty* (Native or Foreign, according to flag of exporting vessel), and an Export Duty Proof is to be issued if going—not Foreign, but—to a Treaty Port.

4.—When these goods are imported at any of the Treaty ports, if they are accompanied—as they should be—by an Export Duty Proof, no further duty is to be charged; but if they arrive without Export Duty Proof, full (Export) Duty is to be collected; in no case, however, is Coast Trade Duty to be levied. Export Duty once paid, the goods may be re-exported coastwise under Duty Proof in the usual way. Should Inwards Transit Pass be applied for, a free pass is to be issued similar in form to the pass devised at Shanghai (*see* paragraph 6, 4°, below).

滬
織
機
器
布
5.—In all Returns, etc., the Cloth referred to in this Circular is to be termed “Shanghai Mill Cotton Cloth,” and in the published statistics it is to be shown by itself, *i.e.*, not included with other piece goods.

6.—I enclose for your information and guidance copies of the following documents, viz.:—

- 1°. The Pei-yang Ta-ch'ên's Memorial of Kuang Hsü, 8th year, 3rd moon (1882), *re* establishment of the Shanghai Cotton Mill Company, containing the duty rules;
- 2°. The “Special Pass,” to be issued at Shanghai on receipt of duty;
- 3°. The Export Duty Proof (運往別口執照), to be issued at Shanghai;
- 4°. The Transit Pass (入內地驗單), to be exchanged for the Export Duty Proof at the port from which the goods proceed inland; and
- 5°. Re-export Certificate, as approved,—Tientsin model (轉運別口執照).

I am, etc.,

(signed) ROBERT HART,

Inspector General.

ENCLOSURE No. 1.

北洋大臣奏

奏爲招商在上海試辦機器織布局以擴利源而敵洋產恭摺仰祈

聖鑒事竊查光緒四年十月二十四日奉

上諭御史曹秉哲奏請仿用西法開採以利器用一摺據稱近來各省開設機器等局需用煤鐵甚多請由內地仿照西法用機器開採轉運鼓鑄製造既省買價並濬財源等語所稱招徠殷商聽其開辦酌量徵收釐稅是否可行著李鴻章體察情形斟酌妥善奏明辦理原摺著抄給閱看等因欽此臣查該御史原奏內稱方今之務以海防爲最要泰西各國凡織布疋製軍械造戰艦皆用機器故日臻富強又謂中國若用機器開採轉運鼓鑄製造其價比來自外洋爲賤更可宏拓遠謨等語所論均屬切要臣維古今國勢必先富而後能強尤必富在民生而國中乃可益固溯自各國通商以來進口洋貨日增月盛核計近年銷數價值已至七千九百餘萬兩之多出口土貨年減一年往往不能相敵推原其故由於各國製造均用機器較中國土貨成於人工者省費倍蓰售價既廉行銷愈廣自非逐漸設法仿造自爲運銷不足以分其利權蓋土貨多銷一分即洋貨少銷一分庶漏卮可期漸塞查進口洋貨以洋布爲大宗近年各口銷數至二千二百萬餘兩洋布爲日用所必需其價又較土布爲廉民間爭相購用而中國銀錢耗入外洋者實已不少臣擬遴派紳商在上海購買機器設局仿造布疋冀稍分洋商之利迭經飭辦均以經費不充稅釐太重相率觀望久無成議復飭據

三品銜候選道鄭官應三品銜江蘇補用道龔壽圖會同編修戴恆安細籌擬據稟估需成本銀四十萬兩分招商股足數議有合同條規尙屬周妥當經批准先在上海設局試辦派龔壽圖專辦官務鄭官應專辦商務又添派郎中蔡鴻儀主事經元善道員李蟾松會同籌辦該道等延聘美國織布工師丹科到滬據稱中國棉花抽絲不長恐織不如式必須就花性改製織機已與訂立合同令其攜帶華花赴英美各廠試織酌購機器本年夏秋之交即可回華開辦查泰西通例凡新創一業爲本國未有者例得畀以若干年限該局用機器織布事屬創舉自應酌定十年以內祇准華商附股搭辦不准另行設局其應完稅釐一節該局甫經倡辦銷路能否暢旺尙難預計自應酌輕成本俾得踴躍試行免受洋商排擠擬俟布疋織成後如在上海本地零星銷售應照中西通例免完稅釐如由上海逕運內地及分運通商他口轉入內地應照洋布花色均在上海新關完一正稅概免內地沿途稅釐以示體恤如日後運出外洋行銷應在新關完一出口正稅若十年後銷路果能漸暢洋布果可少來再行察酌另議此係中國自主之事自可特定專章無虞洋商藉口除未盡事宜再由南北洋大臣隨時督飭辦理外所有上海招商試辦機器織布以敵洋產緣由理合恭摺具陳伏乞

皇太后

皇上聖鑒謹

奏

CIRCULAR No. 559 (SECOND SERIES).

**Chungking Convention: C.M.S.N. Co. to have trade
privileges conferred by.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 15th January 1892.

SIR,

You were supplied with a copy of the Additional Article and Special Regulations under which Chungking is open to trade* and traffic restricted to vessels of Chinese type between Ichang and Chungking in Circular No. 541 of the 4th May 1891. Since that date the inter-traffic privileges of the Convention and Regulations have been extended to the China Merchants' Company; and, as this step in the direction of development is worth recording, I append copy of the Yamên's instructions in this connexion.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

* The first clause of the third section of the Chefoo Convention, 1876 (*vide* "Treaties, Conventions, etc.," *op. cit.*, vol. i, p. 495), opened Chungking to the residence of British Consuls, but forbade British trade there "so long as no steamers have access to the port." To satisfy this requirement and thus open up steam traffic to Szechwan the late Mr. Archibald Little in the autumn of 1889 formed a company with the express purpose of putting a steamer, the *Kuling*, on the Chungking run. The Government, who had been duly notified, took alarm, as they feared that such an attempt would arouse opposition—leading to disorder—from the Upper Yangtze junkmen and other interested parties. Through Hart's mediation the *Kuling* company was bought out for some £20,000. A direct result of this incident was the Chungking Agreement, 1890 (*vide* "Treaties, Conventions, etc.," *op. cit.*, vol. i, pp. 509-512), which allowed British subjects "either to charter Chinese vessels or to provide vessels of the Chinese type for the traffic between Ichang and Chungking." Merchandise conveyed in such vessels was to be on the same footing as merchandise conveyed in steamers between Shanghai and Ichang and was to be dealt with in accordance with Treaty, Tariff Rules, and the Yangtze Regulations. Steam navigation on the Ichang-Chungking section of the Yangtze dates from 1897, when Mr. Archibald Little took his steam-launch *Leechuan*, a wooden twin-screw boat, some 55 feet long, safely to Chungking. In 1900 three steamers made the trip—H.M.S. *Woodcock*, H.M.S. *Woodlark*, and the paddle steamer *Pioneer*. It was not till 1908 that regular steam traffic was started with the Chinese Szechwan Steam Navigation Company's vessel, the *Shutung*. The *Shuhun* followed in 1914, and from that time dates the great development in steamer traffic, both Chinese-owned and foreign-owned, between Ichang and Chungking.

ENCLOSURE.

總理衙門劄行總稅務司

爲劄行事光緒十七年九月初八日准

北南洋大臣咨開據督辦招商局東海關道稟稱前奉劄准成都將軍四川總督咨據川東道重慶關監督稟

稱重慶洋關應添設招商局以經理華人商務請轉飭遵辦等因准此劄道會商按照英國新訂重慶通商章程妥籌辦理伏思中國通商各口岸皆設有招商局棧凡招商局輪船夾板船在通商各碼頭承領船牌關旗完納船鈔往來載貨悉照條約稅則完稅現在重慶新訂通商章程第五條內載凡僱用華船應照長江統共章程在宜昌重慶兩處完納船料其有能懸英國旗號之華式船隻應照條約章程完納船鈔所有英人僱用華船及自備華式船隻由宜昌至重慶往來運貨者務須在海關承領船牌關旗即使能懸英國旗號之華式船隻亦當一體遵照以上兩項船隻倘無海關所發船牌關旗均不准獲享此次續增專條之利益其領有海關船牌關旗之兩項船隻均克往來宜昌重慶通商貿易所有船貨均照條約及長江統共

章程一律辦理其餘船隻概由常關自行辦理所領船牌關旗應由原船自行持用不得轉付他船並嚴禁華人船隻冒用英國旗號等語自重慶開關以後已有洋商設行攬載招商局自應及時往添分局經理華人商務據稱派員前往設局無論僱用及自備華式船隻按照英國新訂重慶通商章程辦理應照各口仍用龍旗及招商局旗並由宜昌重慶分局前往兩關請領民船牌照即由招商局赴關按照條約稅則及長江統共章程與英商一律辦理其餘船隻仍由常關自辦不得牽混所議尙屬妥協應准照議分別試辦咨請查照等因相應劄行總稅務司轉飭宜昌重慶兩關稅務司遵照辦理可也須至劄者

光緒拾柒年玖月拾陸日

總字第壹千柒百柒拾號

CIRCULAR No. 565 (SECOND SERIES).

Debt: prosecution for, entails discharge from Service. Retiring Allowance moneys should be hoarded, not squandered.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, *3rd February* 1892.

SIR,

1.—It has become advisable to put in writing what has hitherto been adopted as a guiding principle in practice where prosecution for debt is concerned, and I have accordingly to instruct you to inform your staff that the services of any employé who to pay his debts must be prosecuted will be dispensed with; and I authorise you to act on this without further reference to me in local disciplinary measures affecting your staff.

2.—In connexion with the word *debt* I must add that it is with much concern I hear from many quarters that employés of one grade or another are talked about as being in monetary difficulties. There was no reason why the burdened ones should not now have credit balances at the bank like many or most of their more thrifty comrades; but of course the easy habit of living above income when commenced early in life breeds a grievous weight to be borne as one grows older, and the difficulties it causes have a far greater tendency to increase than to decrease. I have no doubt all such will in time not only feel very sorely the pressure of such difficulties, but begin to recognise how much they are to be attributed to early mistakes which it was once not at all necessary to make. The gossip thus caused sullies the character of the Service, and whether it ought or ought not be dealt with more seriously at an earlier stage, when debt attains the publicity of prosecution it cannot hope to pass unnoticed. I should add that I am not here referring to prosecutions that arise from a determination to contest improper charges and not from inability or refusal to pay what can fairly be demanded—although from a Service point of view even these are unwelcome,—but to those which result from non-payment of what is due.

3.—Further, I must again repeat that I wish it to be generally understood that the moneys periodically issued as Retiring Allowances are not to be spent either in paying debts or increasing luxuries; they are to be hoarded carefully, and ought at once to be

safely placed where they will be forthcoming, and with interest, at a future day when the cessation of Service employment will make them a boon to either self or family.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

CIRCULAR No. 587 (SECOND SERIES).

**Conduct of Staff: connexion with doings which create scandal;
warning against. Females and Customs Premises:
rule regarding.**

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, 9th December 1892.

SIR,

There are, as you know, quarters for the Out-door Staff in a Customs building on Customs ground immediately behind the Examination Shed at Chinkiang. Recently three Tidewaiters invited some singing girls to their rooms in the quarters just referred to, and, after paying one girl some dollars for a damaged ear-ring and the establishment they belonged to some additional dollars to hush up the talk that had commenced about the matter, they have now been complained of on a charge of rape, the case having been sent on to the Yamên by the Nan-yang Ta-ch'ên. Personally I do not believe the statements of the accusers, but the appearance of a breach of regulations involved in taking women of possibly loose character to Customs quarters, and the colour given to those accusations by the foolish payment of hush-money, make it quite impossible to expect a quiet hearing for explanation or defence. The Chinkiang Commissioner informed the Superintendent that for formal investigation and lawful punishment it would be necessary to prosecute before the Consuls concerned; the Superintendent did not care to take this course, but suggested, through the Nan-yang Ta-ch'ên, that I should be ordered to dismiss and deport the men, and the Yamên has very considerably placed the matter in my hands to deal with and terminate as I see fit. I am accordingly separating and transferring all concerned to other ports, and I trust

the affair will end there. This disagreeable occurrence makes it necessary, however, to circulate a warning and issue an order on the subject generally. The warning I wish to give is that connexion anywhere with what creates scandal may entail loss of employment; and the order is that, with the exception of an employé's own female visitors and attendants, employés are to refrain from taking other females to their quarters on Customs premises. It is my rule to interfere with the doings of private life as little as possible, but all concerned must be prepared to find that when private doings become public, such publicity may necessitate official notice of a more or less unpleasant kind on the part of their Service chiefs.

I am, etc.,

(signed) ROBERT HART,

Inspector General.

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